

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
TRIAL DIVISION**

IN RE: : **MISC. NO. 0008094-2018**
THE THIRTIETH COUNTY :
INVESTIGATING GRAND JURY : **NOTICE C-20**

TO THE HONORABLE KAI N. SCOTT, SUPERVISING JUDGE:

PRESENTMENT NO. 2

We, the Thirtieth Philadelphia County Investigating Grand Jury, were impaneled pursuant to the Investigating Grand Jury Act, 42 Pa. C.S. § 4541 et seq., and have been charged by the Court to investigate the facts and circumstances surrounding the potential criminal activities of Philadelphia Police Department (“PPD”) Chief Inspector Carl Holmes.

THE GRAND JURY’S FINDINGS

INTRODUCTION:

1. Carl Holmes (“Holmes”) is a Chief Inspector for the Philadelphia Police Department (“PPD”). During his tenure as an Inspector or Chief Inspector, Holmes developed relationships with new recruits and young female police officers through his position at the PPD training academy (“the Academy”) and his rank as a senior officer, presenting himself as a safe resource or mentor in an overwhelmingly male police department. In two instances, two separate complainants testified that when they came to Holmes for the guidance and mentorship he offered, he came on to them, kissed them, fondled their breasts, and digitally penetrated their vaginas in a Philadelphia Police Department office. In another incident, a third complainant testified that Holmes sought her out to join his elite task force. Three days after joining the unit, she was also kissed, groped, and digitally penetrated by Holmes against her will.

2. Holmes' position as a high ranking officer at PPD insulated him from any meaningful investigation; all three of the young female police officers were subjected to investigations by the Internal Affairs Division ("IAD") of PPD after reporting sexual assault or sexual harassment allegations. All three women testified about the extent to which PPD culture discourages reporting a fellow officer, especially a boss. Doing so can leave you vulnerable, and on the wrong side of the blue line.

THE TESTIMONY:

- [REDACTED]
- [REDACTED]
1. In June of 2003, 20-year-old [REDACTED] joined the Police Academy in Philadelphia County. At that time, Holmes was the Chief Inspector of the Northeast Division. In addition, Holmes conducted and oversaw trainings at the Academy. There, he met [REDACTED]. During her time in the Academy, Holmes took note of [REDACTED]. Initially, their interactions were "quite professional" and "standard." See [REDACTED] Notes of Testimony, p. 10, lines 17-21. [REDACTED] hoped that doing well in Holmes' eyes would be "a good thing for advancements later on in the career." *Id.*
 2. [REDACTED] did well during training and in response, Holmes told her that if she passed the physical exam at the academy, she could choose whatever district she wanted in the city upon graduation. See [REDACTED] Notes of Testimony, p. 10-11, lines 24-4. Holmes also cautioned [REDACTED] that she'd experience "weird shit" when she got assigned to a district. See [REDACTED] Notes of Testimony, p. 11, lines 5-8. [REDACTED] took this to mean that in predominantly male environment that pervaded PPD at the time, she would have to "deal with people that were going to either hit on me or I would have to decline offers, things like that." See [REDACTED] Notes of Testimony, p. 12, lines 7-9. At [REDACTED] graduation ceremony, Holmes spoke to [REDACTED] and her parents, congratulating [REDACTED]. He told all of them that should [REDACTED] need anything, he has an "open door policy" and that [REDACTED] could always come to him if she had any questions or needed anything. See [REDACTED] Notes of Testimony, p. 31, lines 11-18.
 3. [REDACTED] graduated the academy in January of 2004. See [REDACTED] Notes of Testimony, p. 5, lines 20-21. At that time, she was dating a police officer who was assigned to the 35th District.

See [REDACTED] Notes of Testimony, p. 14, lines 6-8.¹ Upon graduation, [REDACTED] requested to be near her boyfriend, but not in the same district, and was granted her request. [REDACTED] was assigned to the 39th District, which borders the 35th District in Northern Philadelphia. At the time, Holmes was the Chief Inspector assigned to oversee the 39th District. See [REDACTED] Notes of Testimony, p. 14-15, lines 19-7.

4. When [REDACTED] first started in the 39th District, she was excited and enjoyed the job tremendously until June of 2004. At that time, [REDACTED] was first introduced to a person known to the grand jury who would soon become her supervisor ("the new supervisor"). See [REDACTED] Notes of Testimony, p. 16-17, lines 15-2.
5. The new supervisor told [REDACTED] that their Captain had authorized him to create an elite plainclothes unit to address an increase in robberies and shootings in a particular area and he wanted [REDACTED] to apply. See [REDACTED] Notes of Testimony, p. 17-18, lines 19-9. The new supervisor, who [REDACTED] estimates was in his late-40s at the time, not only encouraged [REDACTED] to apply, but actually stood directly behind her, telling her exactly what to type as she applied. See [REDACTED] Notes of Testimony, p. 18-19, lines 22-11. At the time the new supervisor approached her, [REDACTED] had only been on the force for approximately five months and a promotion of this kind was "unheard of." See [REDACTED] Notes of Testimony, p. 19, lines 10-19.
6. At first, the new supervisor presented himself as an ally for [REDACTED]. When she lost her cellphone that she relied on heavily to communicate with her family, he offered to buy her a new one on his plan so that she could afford the monthly payments. Grateful, [REDACTED] accepted the phone, but paid for both the phone and the bills herself. See [REDACTED] Notes of Testimony, p. 102-103, lines 13-16. During the next two months in the unit, however, the new supervisor's conduct towards [REDACTED] became increasingly unprofessional. [REDACTED] explained that it started out with small things like, like showing up at a location she was supposed to be investigating or patrolling frequently, which didn't happen with other officers. See [REDACTED] Notes of Testimony, p. 21, lines 3-5.
7. The new supervisor also started to single [REDACTED] out for "ride alongs," where a commanding officer accompanies a more junior officer for part of their patrol, ostensibly

to ensure safe driving and that protocol is being followed. However, where a normal ride along is “typically two hours max,” [REDACTED] were “eight-hour ride alongs for days.” See [REDACTED] Notes of Testimony, p. 21, lines 17-20. The new supervisor’s conduct was so out of the ordinary that other PPD sergeants began questioning why he kept [REDACTED] out for so long. See [REDACTED] Notes of Testimony, p. 21-22, lines 21-5.

8. On these extended ride alongs, the new supervisor continuously asked [REDACTED] out on dates. He asked her personal questions and shared personal information with her that made her uncomfortable. The new supervisor also told [REDACTED] that he was having marital problems, was unhappy, and going through a divorce. See [REDACTED] Notes of Testimony, p. 51, lines 1-6.
9. During this time in the summer of 2004, [REDACTED] had switched to “last-out,” meaning she was working the overnight shift. See [REDACTED] Notes of Testimony, p. 23, line 25. The new supervisor’s advances continued to escalate over the summer and [REDACTED] began to feel increasingly unsafe. On more than one occasion, [REDACTED] would come home from work in the early morning hours to see the new supervisor’s gold Mercedes parked near her home. See [REDACTED] Notes of Testimony, p. 23-24, lines 16-13.
10. The harassment [REDACTED] had been experiencing all summer reached a tipping point when the new supervisor called her one night while on duty for a “logbook check.” See [REDACTED] Notes of Testimony, p. 24, lines 13-15. [REDACTED] explained that normally, patrol officers keep a log of every place they go during their tour. Because some officers had “a habit of clearing a job” without actually getting out of the car as they later indicate in their logs, PPD starting doing physical checks of the logs during an officer’s tour of duty. See [REDACTED] Notes of Testimony, p. 24-25, lines 16-12. Practically speaking, that requires a commanding officer to come to an officer’s location and check their logbook. *Id.* The 39th District is a busy district, so customarily, the new supervisor followed this procedure by conducting his logbook checks at a specific location in the district and signing the logbook there. See [REDACTED] Notes of Testimony, p. 25, lines 15-20.
11. On the night in question, the new supervisor radioed for [REDACTED] to come up to his location on Schoolhouse Lane. [REDACTED] believing it was for a logbook check, headed to the parking lot. See [REDACTED] Notes of Testimony, p. 26, lines 7-10. When she arrived, [REDACTED] expected to hand her logbook through the window as is customary on a busy night. See [REDACTED] Notes

- of Testimony, p. 26, lines 10-11. Instead, as [REDACTED] tried to pull up alongside the new supervisor so that she could hand her logbook through the window, the new supervisor stopped her and opened the door to his car. See [REDACTED] Notes of Testimony, p. 27, lines 3-10.
12. Thinking this was now supposed to be a “formal exchange” where [REDACTED] needed to put on her hat and make sure her attire and equipment were proper, with a salute and exchange thereafter, [REDACTED] exited her vehicle. See [REDACTED] Notes of Testimony, p. 26, lines 12-16, and p. 27, lines 11-12. The new supervisor signed [REDACTED] logbook and put it on the hood of the car. Instead of walking back to his vehicle, he grabbed [REDACTED] hands. See [REDACTED] Notes of Testimony, p. 27, lines 13-14. The new supervisor pulled [REDACTED] close to him and tried to kiss her face, then continued kissing down her neck. See [REDACTED] Notes of Testimony, p. 27, lines 18-20. [REDACTED] quickly pushed him away and in a panic, jumped back into her patrol car. Later, the new supervisor sent her a text message apologizing and saying he “got the wrong idea.” See [REDACTED] Notes of Testimony, p. 27, lines 16-25.
13. After the logbook incident, the new supervisor did not stop harassing [REDACTED]. He continued to show up at [REDACTED] home unannounced. See [REDACTED] Notes of Testimony, p. 22, lines 1-5. On one of those occasions, her parents, including her mother [REDACTED] was visiting [REDACTED] and saw the new supervisor come over unexpectedly. She saw that her daughter appeared upset and concerned during their conversation. See [REDACTED] Notes of Testimony, p. 7, lines 2-15. On that occasion, after the new supervisor left, [REDACTED] asked her daughter “what’s going on?” See [REDACTED] Notes of Testimony, p. 7, line 19. Her daughter responded in sum and substance “this is not good... he won’t leave me alone.” From there, [REDACTED] says, “it was a nightmare.” See [REDACTED] Notes of Testimony, p. 7, lines 20-23.
14. [REDACTED] told her mother that she was scared to report the new supervisor because given the culture in the police department. While an officer may have the right to file a complaint for sexual assault or harassment, “it comes with a cost.” See [REDACTED] Notes of Testimony, p. 28, lines 9-16. While [REDACTED] desperately wanted to avoid filing a formal complaint against the new supervisor, she was also afraid because, as she continued to reject his advances, the new supervisor became vindictive.

15. On one occasion in particular, the new supervisor instructed [REDACTED] fellow officers not to back her up on a job. On that occasion, a call came over the radio for a founded shooting and [REDACTED] was the only officer on location. [REDACTED] recalls that the new supervisor stopped officers from responding to her location and that it took eleven minutes for an officer to join her on location. See [REDACTED] Notes of Testimony, p. 71, lines 15-23. "At that point," she said, "I didn't know how far they would go." See [REDACTED] Notes of Testimony, p. 71, lines 23-24.
16. [REDACTED] considered her daughter's dilemma and concern about the consequences of reporting the new supervisor. The day after the founded shooting call, [REDACTED] asked [REDACTED] "what about the man we met at the police academy?" See [REDACTED] Notes of Testimony, p. 8, lines 20-21. [REDACTED] volunteered his name, Inspector Holmes, and [REDACTED] responded in sum and substance "why don't you go talk to him and see if he could help you." See [REDACTED] Notes of Testimony, p. 8, lines 22-25.
17. [REDACTED] took her mother's suggestion. She was afraid of the flak she'd get from other members of the police department if she filed a formal complaint. She also knew that Holmes was above the new supervisor in the chain of command and that Holmes was also an attorney. She remembered that he told her and her parents that she could come to him if she had any problems or needed anything. She remembered that he warned her about stuff like this, too. See [REDACTED] Notes of Testimony, p. 28-29, lines 8-5, and p. 30, lines 11-18.
18. [REDACTED] arranged to speak to Holmes in the summer of 2004. That day, she called her mother before she left to tell her she was going to see Holmes and agreed to call her mother back when she left. See [REDACTED] Notes of Testimony, p. 9, lines 1-6. [REDACTED] drove to the Police Academy in the afternoon. See [REDACTED] Notes of Testimony, p. 34, line 3. [REDACTED] describes the Police Academy at the time as consisting of one building, built around the 1960s, surrounded by modular trailers. See [REDACTED] Notes of Testimony, p. 32, lines 20-25. There is only one floor and it has three rooms. *Id.* There, Holmes had an office.
19. Holmes' office at the training academy was small. It had one entrance and two desks in it; one belonging to him and the other to his secretary at the time, [REDACTED]. See [REDACTED] Notes of Testimony, p. 33. The two desks formed an "L" shape in the small office and there is a narrow passageway between the two desks. *Id.*

20. When [REDACTED] entered Holmes' office, she was dressed in plainclothes. See [REDACTED] Notes of Testimony, p. 84, lines 12-15. Holmes was standing up and [REDACTED] was seated at her desk. Holmes then asked [REDACTED] to leave. See [REDACTED] Notes of Testimony, p. 34, lines 4-7, and lines 19-21. [REDACTED] noticed [REDACTED] turn, pause, and look confused. She seemed surprised that [REDACTED] was there and hesitant to leave [REDACTED] and Holmes alone, but left as he requested. See [REDACTED] Notes of Testimony, p. 34-35, lines 21-5. [REDACTED] and Holmes remained alone in his office with the door closed. See [REDACTED] Notes of Testimony, p. 35, lines 6-10. Holmes told [REDACTED] to have a seat, and [REDACTED] complied.
21. [REDACTED] recounted for Holmes the sexual harassment and stalking behavior she had been experiencing under the new supervisor's command. Holmes told [REDACTED] he was friends with the new supervisor, that he'd known him for a long time, and that they socialized outside of the job. See [REDACTED] Notes of Testimony, p. 37, lines 6-11. Holmes also told [REDACTED] that the new supervisor and Holmes had taken promotional tests together. See [REDACTED] Notes of Testimony, p. 37-38, lines 12-4.
22. [REDACTED] asked Holmes if she should file an Equal Employment Opportunity ("EEO") claim against the new supervisor. Holmes responded that [REDACTED] should wait and that he and another Inspector, would talk to the new supervisor and try to straighten things out. The purpose of this informal "talk" with the new supervisor was to avoid an EEO claim that would have been "very open and exposed." See [REDACTED] Notes of Testimony, p. 38-39, lines 22-7. Holmes further advised [REDACTED] that if she did decide to file an EEO claim to "prepare for a fight." See [REDACTED] Notes of Testimony, p. 39, lines 8-11.
23. As the conversation was drawing to a close and [REDACTED] was getting ready to leave, Holmes asked her to write something out about why she came in that day. See [REDACTED] Notes of Testimony, p. 39-40, lines 12-14. After [REDACTED] had drafted an initial memorandum about the new supervisor in Holmes' office, she got up to hand Holmes the memorandum through the narrow passageway between the desks in his office. Holmes also got up and started through the narrow passageway. See [REDACTED] Notes of Testimony, p. 40, lines 17-23.
24. As Holmes approached, [REDACTED] wanted to step back and let him pass through but Holmes grabbed her by the back of her neck with his hand so that she could not go backwards. [REDACTED] froze. Holmes then grabbed her with both of his hands by her sides, lifted her off the ground, and sat her on his desk. See [REDACTED] Notes of Testimony, p. 40-41, lines 23-12.

Holmes then started trying to kiss [REDACTED] trying to force his tongue into her mouth, kissing down her neck, and groping her breasts. She tried to push him off of her but could not.² See [REDACTED] Notes of Testimony, p. 41, lines 18-20, and p. 84, lines 15-20. Holmes grabbed her chin and [REDACTED] began to plead with him, swearing to him that she wouldn't say anything if he let her go. See [REDACTED] Notes of Testimony, p. 42, lines 11-16. Holmes responded that no one would believe some little bitch like her anyway. He also told her he could make her disappear. See [REDACTED] Notes of Testimony, p. 42, lines 17-25.

25. As [REDACTED] continued to plead with Holmes and to try to push him off of her, she jumped off of his desk. Holmes began to attempt to put his hand down her pants. See [REDACTED] Notes of Testimony, p. 41, lines 20-24. He told [REDACTED] "I just want to taste you." See [REDACTED] Notes of Testimony, p. 85, lines 9-15.
26. [REDACTED] continued to try to push Holmes off of her, eventually breaking free from his grasp. As she tried to exit his office, Holmes grabbed her from behind in a bear hug and forced his hand down her pants, pushing one of his fingers inside of her vagina. See [REDACTED] Notes of Testimony, p. 41, lines 20-24, p. 43, lines 1-18, and p. 85, lines 2-8. As he pulled his hand out, [REDACTED] believes he scratched the inside of her vagina. See [REDACTED] Notes of Testimony, p. 84-86, lines 16-10. [REDACTED] kicked off of something behind her, knocking something over. In that moment of distraction, [REDACTED] ran from Holmes office. See [REDACTED] Notes of Testimony, p. 41, lines 20-24, and p. 43, lines 1-18.
27. When [REDACTED] got to the parking lot she went into her car and called her mom. Her mother was waiting for her daughter's call. "The phone rang, I picked up the phone. All I heard was crying and screaming and crying and screaming." See [REDACTED] Notes of Testimony, p. 9, lines 11-12. Eventually [REDACTED] said "he molested me." See [REDACTED] Notes of Testimony, p. 9, lines 13-15. At first, [REDACTED] didn't understand who [REDACTED] could possibly be talking about. "Who? [REDACTED] I don't understand. You need to calm down. You [sic] crying." See [REDACTED] Notes of Testimony, p. 9, lines 16-17. After [REDACTED] was able to get [REDACTED] to calm down, [REDACTED] told her mother what Holmes had done. *Id.*
28. About a week later Holmes called [REDACTED] to say that he had lunch with the new supervisor and that there was nothing he could do. He advised [REDACTED] to just go and file an EEO claim against the new supervisor. See [REDACTED] Notes of Testimony, p. 44, lines 10-21. Now

² [REDACTED] described Holmes as being 6'7" tall and over 300 pounds. [REDACTED] is 5'4."

that Holmes had informed the new supervisor that [REDACTED] had come to speak to him, [REDACTED] working conditions under the new supervisor became even more unbearable.

29. [REDACTED] filed a complaint against the new supervisor in August and September of 2004. She did not report Holmes because she thought that no one would believe her about *both* the new supervisor and Holmes. [REDACTED] thought that since she could try to avoid Holmes, but not the new supervisor, she had to pick her battles. If she filed a complaint against both men “they would have buried me,” she said. See [REDACTED] Notes of Testimony, p. 45, lines 7-10.
30. In her EEO complaint, dated September 23, 2004, [REDACTED] listed the discriminating party as the new supervisor. In the description of complaint, [REDACTED] wrote “continuous sexual harassment at work and off duty.” See [REDACTED] Notes of Testimony, p. 46. [REDACTED] further listed two witnesses and the last specific date of occurrence as August 10, 2004.³ Thereafter, [REDACTED] hand-wrote a seven-page complaint and submitted it to EEO Investigator [REDACTED]. See [REDACTED] Notes of Testimony, p. 46, lines 20-25. In it, she detailed all of the above-listed instances of sexual harassment and stalking behavior by the new supervisor. IAD Investigator [REDACTED] began to investigate [REDACTED] allegations.
31. A few weeks after making her complaint against the new supervisor, the Internal Affairs Division (“IAD”) of PPD received an anonymous letter alleging that [REDACTED] associated with drug dealers. Abandoned drugs were found and seized from her trash can while it was on the street, outside her home. [REDACTED] was arrested, drug tested, and removed from active duty. She was interrogated and surveilled for almost three years before PPD concluded their investigation, finding the allegations unfounded. See [REDACTED] Notes of Testimony, p. 92, 11-24. When she first learned of the investigation, [REDACTED] was so fearful that she was being framed that she found an independent laboratory and submitted a blood and urine sample the same day, paying out of pocket to ensure that the police “couldn’t put anything in there and say I had a dirty urine.” See [REDACTED] Notes of Testimony, p. 69, lines 6-12.

³ The notes of testimony incorrectly state August 10, 2010, not August 10, 2004. Whether the question was incorrectly posed or incorrectly transcribed, the marked exhibit was authored and dated in 2004 and makes no reference to 2010.

32. [REDACTED] added a final allegation to her EEO complaint; that the new supervisor initiated a retaliatory investigation against her for “associating with unnamed drug dealers.” See [REDACTED] Notes of Testimony, p. 57, lines 6-10.⁴

33. [REDACTED] interviewed numerous witnesses and documents and submitted his findings to the PPD Commissioner in a memorandum dated July 1, 2005. See [REDACTED] Notes of Testimony, p. 57, lines 11-19. In his conclusion, [REDACTED] stated that “the totality of the circumstances indicates that [the new supervisor] did sexually harass Officer [REDACTED] by creating a hostile environment for her.” See [REDACTED] Notes of Testimony, p. 57, lines 20-25. The last allegation, that the new supervisor initiated a retaliatory investigation into [REDACTED] once he learned that she’d filed an EEO complaint against him, was also substantiated. [REDACTED] concluded that while “not an EEO issue it relates to the totality of circumstances and the allegations of sexual harassment.” See [REDACTED] Notes of Testimony, p. 57, lines 6-16.

34. In addition to being subjected to this IAD investigation, [REDACTED] was also transferred to another district, and then given hospital detail with no overtime because her new Captain, didn’t want her “fucking up his officer’s lives.” See [REDACTED] Notes of Testimony, p. 61, lines 21-24. [REDACTED] continued to experience discriminatory treatment until she finally left the force in 2009.

35. In 2018, [REDACTED] came across a news article about Holmes alleging that he sexually assaulted a woman when she was an officer with PPD. [REDACTED] reached out to her on Facebook messenger. Her name was [REDACTED]

36. When [REDACTED] learned about [REDACTED] she forwarded her information to the Philadelphia District Attorney’s Office, through [REDACTED]. [REDACTED] interviewed [REDACTED] in March of 2019. See [REDACTED] Notes of Testimony, p. 13, lines 5-7. [REDACTED] first time physically returning to Philadelphia was to testify in the instant grand jury investigation. See [REDACTED] Notes of Testimony, p. 72, lines 14-15.

37. [REDACTED] entered the police training academy in 2001 at 25 years old. See [REDACTED] Notes of Testimony, p. 5-6, lines 25-18. She married [REDACTED] and the two are still together, 19 years later with three children. [REDACTED] is a nurse anesthetist. See [REDACTED] Notes of Testimony, p. 5-6, lines 17-2. [REDACTED] graduated from the Police Academy in November of 2001 and was assigned to the 25th District, under the command of Holmes.
38. The first interaction [REDACTED] had with Holmes was around the winter of 2002 when [REDACTED] and her partner worked a big case that resulted in a significant number of arrests. See [REDACTED] Notes of Testimony, p. 8-9, lines 5-1. Shortly thereafter, Holmes formed the East Task Force, which was supposed to be an elite unit of plainclothes officers spread throughout the East Division, the 24th, 25th, and 26th Districts of Philadelphia, for high-crime areas and “priority calls.” See [REDACTED] Notes of Testimony, p. 10, lines 8-15.
39. The original East Task Force was disbanded at some point after [REDACTED] joined the 25th District. However, [REDACTED] explained that Holmes reconstituted the East Task Force around 2005. See [REDACTED] Notes of Testimony, p. 11, lines 16-21. After re-creating the task force, Holmes came to [REDACTED] desk to let her know there was an opening in the unit and to see if she was interested in “coming up.” [REDACTED] was surprised because she had not applied. See [REDACTED] Notes of Testimony, p. 12, lines 8-15. When Holmes initially asked [REDACTED] if she was interested she was responded that she was. “I mean this was quite an honor, and I looked up to him then as a mentor.” See [REDACTED] Notes of Testimony, p. 12, lines 21-22.
40. Unlike the other officers in the unit, at no time did [REDACTED] fill out an application, nor was she ever formally interviewed for the task force. See [REDACTED] Notes of Testimony, p. 14, lines 6-16. Nonetheless, [REDACTED] officially joined the East Task Force on January 3, 2006. See [REDACTED] Notes of Testimony, p. 13, lines 2-4.
41. Three days after joining the East Task Force, on January 6, 2006, the entire East Task Force was reassigned to a tour of duty beginning at 10:00 a.m. and ending at 6:00 p.m. so that they could attend a goodbye party for Holmes after their shift. See [REDACTED] Notes of Testimony, p. 15 lines 1-20. Holmes was leaving for an FBI training program for commanding officers for three months. *Id.* The event was being held at the Empire

Lounge in Philadelphia County. [REDACTED] was invited but was nervous to go because she was new to the unit. She was also already concerned that her new coworkers viewed her quick ascension with suspicion. She wanted a fellow officer, [REDACTED] to come with her but he could not because of a broken ankle. See [REDACTED] Notes of Testimony, p. 16-17 lines 6-14, and see [REDACTED] Notes of Testimony, p. 5, lines 4-11.

42. [REDACTED] arrived at the Empire Lounge at around 7:00 p.m. on January 6, 2019. She had a few drinks, danced, and socialized with co-workers. At some point in the evening, [REDACTED] had a conversation at the bar with Holmes, a Captain, and another female task force officer, [REDACTED]. Holmes was seated at the bar with his back to the bar, facing the entrance way. During that interaction, in addition to some comments about how the Captain likes to have sex, Holmes asked [REDACTED] something along the lines of “who is more fun, you or [REDACTED]?” Leaning on her experience in a police department that often tolerated if not condoned sexually explicit conversation, [REDACTED] explained “– my reaction was always to laugh, to make light of it so I could be seen as one of the guys So I kind of laughed. Like what are you talking about? I’m funner than her, and then I moved away.” See [REDACTED] Notes of Testimony, p. 18, lines 1-25. [REDACTED] went back to dancing with [REDACTED] and others.

43. While dancing, [REDACTED] received a call from [REDACTED]. [REDACTED] couldn’t hear him inside the bar so she stepped outside to take his call. See [REDACTED] Notes of Testimony, p. 19-20, lines 10-2. Shortly thereafter, Holmes came outside. [REDACTED] told [REDACTED] that the Inspector had come outside and that she would call him back. See [REDACTED] Notes of Testimony, p. 20, lines 5-10. In a statement made by [REDACTED] to IAD on December 16, 2008, read to the Investigating Grand Jury in connection with this investigation on August 22, 2019 [REDACTED] recalled this interrupted call from [REDACTED] while she was at the event. See [REDACTED] Notes of Testimony, p. 5, lines 4-14.

44. After hanging up the phone with [REDACTED], [REDACTED] and Holmes were alone outside of the bar. Holmes grabbed [REDACTED]’s hand and walked across the street to his city-issued white Dodge Durango. See [REDACTED] Notes of Testimony, p. 20, lines 20-25. Once at his vehicle, Holmes leaned against the rear passenger side of the vehicle and shimmied his body down to meet [REDACTED] at eye level. He pulled [REDACTED] towards him in a hugging manner, giving her an open-mouthed kiss and pushing his tongue into her mouth. See [REDACTED]

- [REDACTED] Notes of Testimony, p. 20-21, lines 25-5, and p. 25, line 1. Holmes told [REDACTED] that he "always believed there was something" between them. See [REDACTED] Notes of Testimony, p. 21, lines 6-8.
45. [REDACTED]'s mind began to race; she was confused by what just happened, confused about why he thought there was something between them, and concerned about who else saw Holmes follow her out of the bar and what they must be thinking- she was already concerned that her co-workers viewed her promotion to the East Task Force with suspicion. See [REDACTED] Notes of Testimony, p. 21, lines 10-13, and p.13, lines 5-18.
46. Quickly, [REDACTED] made an excuse about being cold and needing to go back inside and the two went back inside the bar. See [REDACTED] Notes of Testimony, p. 21, lines 14-19. Once back inside [REDACTED] "did what any police officer would do and ... scanned the room to see if there was any way that I could, at that moment, leave without him seeing me. And there wasn't." See [REDACTED] Notes of Testimony, p. 21, lines 21-24. [REDACTED] decided instead to go to the bathroom and hide in a stall. The woman's bathroom at the Empire Lounge was small; equipped with a sink, a mirror, two double-stalls and a window that [REDACTED] could not fit through. See [REDACTED] Notes of Testimony, p. 22, lines 6-11. [REDACTED] called [REDACTED] again. On the phone, while trying to figure out what to do about what happened outside, Holmes peeked into the woman's bathroom and told her not to forget to tell him when she was leaving that night. See [REDACTED] Notes of Testimony, p. 23, lines 2-5.
47. In his statement to IAD, [REDACTED] recalls getting that phone call. [REDACTED] told IAD that after his initial call with [REDACTED] that evening,
- she called me back a little later from the bathroom inside the bar. She started telling me that the inspector came outside and started telling her she was attractive, and he knew she was attracted to him. She then told me that he kissed her while she was outside. And while I was on the phone with her she stopped talking, and a few seconds later began talking and telling me he had come into the bathroom.
- See [REDACTED] Notes of Testimony, p. 5, lines 14-22. [REDACTED] also tried to call her friend, a civilian named [REDACTED] but she did not answer. See [REDACTED] Notes of Testimony, p. 22, lines 19-24.

48. After Holmes peeked in the bathroom, [REDACTED] decided to exit the bar discretely; she would run out of the bathroom, grab her purse and jacket from the bar, all the while staying on the phone with [REDACTED] until she was safely in her car. See [REDACTED] Notes of Testimony, p. 23-24, lines 20-9. [REDACTED] attempted to execute her plan and made it all the way to her car. As she was about to shut the door she saw Holmes coming out of the bar, running towards her and telling her “[w]ait. Stop for a moment.” See [REDACTED] Notes of Testimony, p. 24, lines 16-19. When Holmes reached [REDACTED]’s car, he opened the door and started to try to direct [REDACTED] out of the car. [REDACTED] started to plead with Holmes, telling him that her husband was waiting for her and she had to go. Holmes responded “Oh no, no. Come on. It will take a couple minutes.” At some point, [REDACTED] hung up the phone with [REDACTED]. See [REDACTED] Notes of Testimony, p. 25, lines 7-10.⁵
49. Holmes next took [REDACTED]’s hand off of the ignition and guided her out of her vehicle, and walked her to the passenger side of his Dodge Durango. He opened the door and motioned her into the passenger’s seat. Repeatedly [REDACTED] plead with Holmes that she had to go and that her husband was waiting for her. See [REDACTED] Notes of Testimony, p. 25-26, lines 11-2. Holmes did not listen and got into the driver’s seat of his car.
50. Sitting in the car, [REDACTED] continued to plead with Holmes. When her pleas about her husband didn’t work, she reminded him that she had just met his newborn daughter and his wife and that he’s her boss. “This cannot happen” she said. “Nothing can happen.” See [REDACTED] Notes of Testimony, p. 26, lines 14-19. Holmes ignored [REDACTED] leaning over to her and kissing her, rubbing her breasts and inner thighs. See [REDACTED] Notes of Testimony, p. 26, lines 19-21. [REDACTED] continued to tell him that she had to go and that her husband was waiting for her.
51. As [REDACTED] continued to try to convince Holmes to let her go, Holmes began to put his hands under [REDACTED]’s shirt, fondling her breasts and trying to undo her pants. [REDACTED] tried to prevent him from undoing her pants. See [REDACTED] Notes of Testimony, p. 27, lines 4-7. Holmes next unbuckled his belt, unzipped his pants, pulled out his penis and grabbed [REDACTED]’s left hand. With his hand on top of hers, he began masturbating

⁵ [REDACTED] in his statement to IAD on December 16, 2008, recalls [REDACTED] hanging up the phone when she was leaving the bathroom and calling her back a short time later. See [REDACTED] Notes of Testimony, p. 5-6, lines 20-9. [REDACTED] recalls it differently and believes she stayed on the phone with [REDACTED] until she got to her vehicle. See [REDACTED] Notes of Testimony, p. 24, lines 13-19.

himself, moving [REDACTED] s hand up and down underneath his. See [REDACTED] Notes of Testimony, p. 27, lines 8-12.

52. [REDACTED] continued to plead with Holmes, saying she had to leave and physically moving her body to try to keep his hands from going up her shirt or down her pants. See [REDACTED] Notes of Testimony, p. 27, lines 13-24. Despite [REDACTED] s efforts, Holmes managed to put his right hand into the rear of [REDACTED] s pants and digitally penetrated her from behind. See [REDACTED] Notes of Testimony, p. 27-28, lines 7-6.
53. Holmes next tried to pull [REDACTED] on top of him to have intercourse. She said no. He then attempted to force her head down into his genital area with his hands so that she would give him oral sex. Again she said no. "At that point," [REDACTED] explained,

what was going on in my mind was the fact that he has tried all these other things and that I wasn't going to have the opportunity to leave without him finishing. He had, at that point, started to ask me to finish him off because he wasn't going to have sex for the next three months while he was away and, you know, if I could help him out.

See [REDACTED] Notes of Testimony, p. 28-29, lines 21-2.

54. After holding [REDACTED] s hand on his penis as he masturbated, Holmes ejaculated in his vehicle, pulled his pants up, and cleaned himself off. As [REDACTED] tried to get herself together, Holmes grabbed her cellphone, saying that he wanted to make sure she had his number so while he was away she could come and visit him in Virginia. See [REDACTED] Notes of Testimony, p. 29, lines 10-20.

55. Afterwards, [REDACTED] left and went back to her car. She stayed there, crying uncontrollably until she was able to compose herself enough to move her car. See [REDACTED] Notes of Testimony, p. 30, lines 7-11. After a little while, [REDACTED] steeled herself enough to drive around the corner, where she again called [REDACTED]. See [REDACTED] Notes of Testimony, p. 30, lines 13-17. [REDACTED] remembered getting this call from [REDACTED]. See [REDACTED] Notes of Testimony, p. 6, lines 8-15. [REDACTED] was still too upset to communicate much during this first call to [REDACTED] after getting out of Holmes' car. She hung up with [REDACTED] and drove towards Roosevelt Boulevard where she pulled over to the side of the road because she was still shaken up. She waited there for [REDACTED]. See [REDACTED] Notes of Testimony, p. 31, lines 1-6.

56. After hearing [REDACTED] on the phone, [REDACTED] got into his car to go and meet [REDACTED]. See [REDACTED] Notes of Testimony, p. 6, lines 16-18. He remembers calling [REDACTED] several times but she did not answer. Finally, [REDACTED] called [REDACTED] back, crying, and told him where to meet her. See [REDACTED] Notes of Testimony, p. 6, lines 19-25.
57. [REDACTED] plan was to get off Route 95 on Aramingo Avenue. He pulled off onto a street about a block south of the Aramingo Avenue entrance. A short time later, [REDACTED] pulled up behind him. She got into his car and broke down crying. See [REDACTED] Notes of Testimony, p. 6-7, lines 16-5. It took a long time for [REDACTED] to calm down. [REDACTED] explained that, at first, [REDACTED] "just kept crying and shaking her head. She eventually started to calm down saying, I feel so sick. I think I'm going to throw up.... It felt like a while before she would say anything." See [REDACTED] Notes of Testimony, p. 7, lines 10-14. [REDACTED] also remembers being in the car with [REDACTED] for a long time before she was able to collect herself. See [REDACTED] Notes of Testimony, p. 31, lines 12-21.
58. While they were in the car, [REDACTED] "kept saying that she was embarrassed and that he touched her, but she wouldn't tell me what it was. I just kept trying to get information out of her, but she would just give me bits and pieces of it." See [REDACTED] Notes of Testimony, p. 7, lines 20-24. Eventually, [REDACTED] told [REDACTED] that Holmes touched her and that Holmes made her touch him. From there, [REDACTED] drew his own conclusions and tried to focus on what the next steps might be. [REDACTED] kept saying she didn't know what to do because Holmes is an inspector and a lawyer. [REDACTED] encouraged [REDACTED] to talk to her husband, [REDACTED] about it. See [REDACTED] Notes of Testimony, p. 8, lines 5-15. After a long time, [REDACTED] went home and to talk to her husband and tell him what happened. See [REDACTED] Notes of Testimony, p. 31, lines 17-25.
59. [REDACTED] had been worried when he hadn't heard from his wife that evening. Around 2:00 a.m., when bars usually close, and [REDACTED] still hadn't heard from [REDACTED] he became even more concerned and called her repeatedly. See [REDACTED] Notes of Testimony⁶, p. 3-4, lines 9-13. When [REDACTED] finally got home, it was probably after 3:00 a.m. When she came in, [REDACTED] said to her husband: "I have something to tell you and I just need you to listen. You can't talk. And you just – you got to let me get through

⁶ Please note that the formatting of the notes of [REDACTED]'s testimony is different than the rest of the notes of testimony taken in this investigation.

this." See [REDACTED] Notes of Testimony, p. 4, lines 3-9. [REDACTED] said ok and listened. Id. [REDACTED] proceeded to tell her husband that earlier that night, Holmes tried to kiss her outside of the bar when she was trying to call a friend. She told [REDACTED] that in Holmes' car, Holmes' again kissed her, touched her breasts, put his hands down her pants, and pulled out his penis and put her hand on it and that he ejaculated. As [REDACTED] recounted the story, first she was stoic, and then she was crying. See [REDACTED] Notes of Testimony, p. 5-6, lines 3-20.

60. [REDACTED] asked [REDACTED] what she thought they should do, whether they should call someone but [REDACTED] didn't want to. She loved her job and was afraid that if she reported it that it would ruin her career. Looking back on her decision not to report Holmes to the police at the time, she explained "in our culture, you don't tell on cops which is why ... I did not report it, for fear of how it would affect my career and also being known as a rat... You just don't tell on cops at all, even if they're wrong." See [REDACTED] Notes of Testimony, p. 44, lines 9-13. [REDACTED] trusted [REDACTED] and accepted her decision. See [REDACTED] Notes of Testimony, p. 7, lines 1-18.
61. After January 6, 2006, Holmes went to the FBI training program for three months. During that time, Holmes attempted to contact [REDACTED] at the end of January 2006. He left her approximately four voicemails letting [REDACTED] know he would love her to come and visit him while he was in Virginia. [REDACTED] did not return his calls and told her husband about the voicemails at the time. See [REDACTED] Notes of Testimony, p. 38-39, lines 18-9.
62. About a month later, while Holmes was still in Virginia, [REDACTED] was oddly decertified by the City of Philadelphia as a police officer and was reassigned to go through all of the training at the police academy again. See [REDACTED] Notes of Testimony, p. 33-34, lines 18-3. After completing eleven months in the academy for the second time, [REDACTED] was reinstated as a police officer. See [REDACTED] Notes of Testimony, p. 34-35, lines 23-3.
63. After she was recertified, over the next two years [REDACTED] tried to maintain her career but she was physically and emotionally exhausted. Holmes came back from Virginia. The 24th and 25th Districts, where both Holmes and [REDACTED] worked, were and are still located in the same building. [REDACTED] had been suffering from depression and PTSD, felt like she was failing in her marriage and as a mother, and now had to create elaborate

plans to enter and exit her district without having to cross paths with Holmes. See [REDACTED] Notes of Testimony, p. 40-41, lines 8-3, and p. 43, lines 1-10. While she tried to avoid him, sometimes she would see him smoking on her side of the building before her tour started. On at least one occasion, when Holmes would see [REDACTED] pull into the parking lot, he would wave her down. [REDACTED] would oblige and engage him with short, professional conversation before departing. See [REDACTED] Notes of Testimony, p. 41, lines 4-24.

64. In September of 2006, [REDACTED] suffered a physical injury to her arm in the line of duty. For almost a year and a half afterwards, [REDACTED] fought physically and mentally to get back to the job. In the end, in January of 2008, during a medical evaluation a doctor told her that as a result of her injury, she would never fully be able to perform the functions necessary to serve as a police officer. See [REDACTED] Notes of Testimony, p. 35, lines 11-12, p. 42-43, lines 18-22. [REDACTED] finally started to accept that her career may be over. She explained, "when I heard that it was almost like a sense of relief because I was tired. I was tired of the emotional and mental pain that I was going through..." See [REDACTED] Notes of Testimony, p. 43-44, lines 24-1. Finally, [REDACTED] was ready to make an official report against Holmes; she wasn't going to be on the force either way and reporting him was, for [REDACTED], the start of her healing process. See [REDACTED] Notes of Testimony, p. 44, lines 6-7, p. 45, lines 15-20.
65. After deciding to come forward, [REDACTED] explained, "nobody ever taught us how to report this type of incident within our own department. So what I did is I did some research and Googling online and came across what's called a citizen's crime report." See [REDACTED] Notes of Testimony, p. 45, lines 22-25. [REDACTED] printed out the form, filled it out, and brought it to IAD in February of 2008.
66. IAD began to investigate the case in 2008, two years after the goodbye party at the Empire Lounge. Though [REDACTED] didn't learn this until many years later, IAD investigators tested Holmes' city-issued Dodge Durango for sperm and semen and found Holmes' semen on one of the seats. See [REDACTED] Notes of Testimony, p. 48-49, lines 11-4.
67. In 2009, Holmes was scheduled for a hearing regarding the allegations that [REDACTED] made. [REDACTED] and her husband were expecting a child at the time. Nonetheless,

[REDACTED] made it very clear to the Law Department that she wanted to be present and to be heard at the arbitration. See [REDACTED] Notes of Testimony, p. 50, lines 13-19. Originally, the hearing was scheduled for July 28, 2009. [REDACTED] and her family left vacation early to attend the hearing, only to find out it had been rescheduled and she had not been notified. See [REDACTED] Notes of Testimony, p. 50, lines 20-25. When [REDACTED] was contacted again, she informed the Law Department that they had rescheduled the hearing just two days before her due date. [REDACTED] "asked them profusely, please reschedule this. I want to go. Even if it's a few days after giving birth, I want to be there." See [REDACTED] Notes of Testimony, p. 51, lines 2-4. The hearing was conducted in [REDACTED]'s absence and Holmes won his arbitration. See [REDACTED] Notes of Testimony, p. 51, lines 5-10.

68. At the same time, [REDACTED]'s allegations were deemed unsubstantiated by IAD. See [REDACTED] Notes of Testimony, p. 49, lines 22-25. Right afterwards, the City of Philadelphia filed a petition to terminate some of [REDACTED]'s health benefits and IAD also launched an investigation into [REDACTED]'s health benefits. See [REDACTED] Notes of Testimony, p. 49, lines 22-25, and p. 53, lines 20-24.
69. [REDACTED] decided to sue the City but voluntarily dropped her lawsuit in 2013. She explained,

... I was tired of fighting ... I knew that they were going to tear me back down again, and I knew it was going to be re traumatizing [sic] ... I mentally didn't want to put myself back in that position; to go through all the trauma again and affect my family that I had worked so hard to build up ... during that whole four years. So I decided to end any type of litigation with the City of Philadelphia.

See [REDACTED] Notes of Testimony, p. 56, lines 4-13. [REDACTED] left the police department in 2012 and is now a coordinator of marketing and social media communications at a non-profit organization. See [REDACTED] Notes of Testimony, p. 6, lines 11-14.

70. Approximately six years later, in the fall of 2018, [REDACTED] received a Facebook message on Facebook messenger from someone who had seen [REDACTED]'s name in the news. It was [REDACTED]. The two spoke briefly on Facebook messenger and [REDACTED] apologized for not coming forward because she felt partially responsible for what happened to [REDACTED]

71. About a month later, [REDACTED] was contacted by [REDACTED] of the Philadelphia District Attorney's Office. See [REDACTED] Notes of Testimony, p. 56, lines 20-25. [REDACTED] met with [REDACTED] on November 16, 2018. See [REDACTED] Notes of Testimony, p. 12, lines 20-24. [REDACTED] told [REDACTED] about [REDACTED].
72. [REDACTED] also learned of another woman who alleges that Holmes assaulted her. [REDACTED] met her once and gave a deposition during that woman's civil law suit against Holmes, the Philadelphia Police Department, and the City of Philadelphia in 2016. Her name is [REDACTED].
- [REDACTED]
73. [REDACTED] was born into a family of police officers. Her father is a Philadelphia Police Detective, her brother is a Philadelphia police officer, and her husband is also a Philadelphia police officer. See [REDACTED] Notes of Testimony, p. 7, line 23, p.5, line 16, p.23, lines 18-20. [REDACTED] met her husband in 2003. He joined the Philadelphia Police Department in 2007, the same year he and [REDACTED] were married. See [REDACTED] Notes of Testimony, p. 5, lines 16-22, and p.8-9, lines 23-8.
74. [REDACTED] applied to the Philadelphia police department after she graduated high school. She entered the training academy on May 3, 2004. See [REDACTED] Notes of Testimony, p. 6, lines 1-18. In the approximately two-year period between applying and entering the academy, [REDACTED] met Holmes.
75. Holmes had worked with [REDACTED]'s father as patrol officers in the 22nd District and they were friends. See [REDACTED] Notes of Testimony, p. 7, lines 21-25. [REDACTED] recalled how much she admired Holmes when she first met him,
- ...All the stories my dad told me; how my dad said that Mr. Holmes backed him up on jobs. My dad would back him up on jobs. He was a very nice man. He seemed to be emotionally supportive when I was trying to do the agility test. And then when I got assigned to the 24th District, it so happened that he was the inspector at East Division.
- See [REDACTED] Notes of Testimony, p. 8, lines 3-10
76. At 22 or 23 years old, [REDACTED] was assigned to the 24th District after about seven months at the training academy. See [REDACTED] Notes of Testimony, p. 7, lines 2-11, and p. 10, lines 7-9. Her regular tour of duty was from midnight to 8:00 a.m. See [REDACTED]

Notes of Testimony, p. 9, lines 23-24. As the Inspector of the East Division, Holmes was now [REDACTED]’s commanding officer. See [REDACTED] Notes of Testimony, p. 8, lines 11-16. At the time, [REDACTED] viewed Holmes as “a mentor, somebody I definitely looked up to.” See [REDACTED] Notes of Testimony, p. 9, lines 15-16. She continued, “[m]y dad thought the world of him. He thought the world of my dad; which was so touching to me. He was like an uncle type. Friendly person.” See [REDACTED] Notes of Testimony, p. 9, lines 16-19.

77. Things started to change quickly, however, and by the end of 2005 and the beginning of 2006, with less than a year on the force, Holmes started to contact [REDACTED] more frequently. See [REDACTED] Notes of Testimony, p. 10, lines 4-22. Holmes started to call [REDACTED] on her cellphone and he also began paying special attention to her after roll call, provoking ire and suspicion from her coworkers. See [REDACTED] Notes of Testimony, p. 12, lines 3-7. At first, [REDACTED] was flattered and felt like “a big shot because the head boss was like coming over to me and talking to me. But as I said, it started to get creepy...” See [REDACTED] Notes of Testimony, p. 11, lines 10-13. Holmes started asking [REDACTED] if there were any special units that she would want to join, telling her he could “probably help you out with that.” See [REDACTED] Notes of Testimony, p. 11, lines 13-15. At this time, [REDACTED] was, by her own description, a “rookie cop” who was not qualified for any special units; “I didn’t have a clue what I was doing, you know.” See [REDACTED] Notes of Testimony, p. 11, lines 20-21.
78. In addition to calling her and approaching her more often, Holmes soon started showing up on jobs that [REDACTED] responded to on the radio, even to “smaller-type jobs” like investigating a premise. At the time, [REDACTED] was confused because at Holmes’ level of command, showing up at these kinds of jobs was peculiar. See [REDACTED] Notes of Testimony, p. 13, lines 20-22.
79. Holmes then started calling [REDACTED] in the morning when she would get home from work. Eventually, Holmes started to talk to [REDACTED] about “what he wanted to do to [her].” See [REDACTED] Notes of Testimony, p. 14, lines 4-6. During these calls, Holmes was very forward. He told [REDACTED] how attracted he was to her and would talk about different parts of her body. To [REDACTED] it seemed like he didn’t care whether she was attracted to him or not; “I could have put the phone down, and it was like him just

rambling about sexual things and just getting worked up about it." See [REDACTED] Notes of Testimony, p. 14, lines 14-20.

80. When asked how she handled this at the time, [REDACTED] explained,

I didn't handle it. I didn't have the mental tools or the maturity or the strength or courage to be like, you know, who do you think you are? I'm not attracted to you. You're as old as my dad. Like I admire you; you know? Like I have so much respect for this man and now he's talking to me like he doesn't look at me like a lady, let alone a friend of the family.

See [REDACTED] Notes of Testimony, p. 14-15, lines 23-7. On the phone with Holmes during those calls, [REDACTED] didn't say much, "partly because I was shocked about how he would go on, and – I remember laughing. I was just so embarrassed and I didn't know how to deal with it." See [REDACTED] Notes of Testimony, p. 15, lines 10-13.

81. [REDACTED] didn't think she could talk to anyone about it because she was afraid. She explained, "I thought apparently this man has strong sexual feelings and he's aggressive with it and, what am I going to do? Because this guy is not only a boss, he's the boss of my captain, my lieutenant, my sergeant, my corporal. He's the top guy." See [REDACTED] Notes of Testimony, p. 16, lines 1-7.

82. Sometime in late 2006 or early 2007, [REDACTED] was working her usual tour of duty, from midnight until 8:00 a.m. At some time after midnight, Holmes either called or texted [REDACTED] to ask her to come upstairs to his office to speak to him. See [REDACTED] Notes of Testimony, p. 16, lines 12-15. [REDACTED] went to the second floor where Holmes' office was located. This was the first time [REDACTED] had been to his office. See [REDACTED] Notes of Testimony, p. 16, lines 17-20. On the way to his office, [REDACTED] had a bad feeling because she knew she wasn't in any trouble and "there is no reason why a rookie cop should be in the inspector's office unless that cop did something ... where the inspector is like, look we got to talk; it's some sort of emergency." See [REDACTED] Notes of Testimony, p. 17, lines 1-7.

83. When [REDACTED] entered Holmes' office during her shift, she was in her uniform. See [REDACTED] Notes of Testimony, p. 34, lines 21-23. Holmes was quiet and was smoking a cigarette in the office. See [REDACTED] Notes of Testimony, p. 17, lines 8-9. [REDACTED] doesn't recall whether Holmes told her to close the door or whether she shut it on her own. See [REDACTED] Notes of Testimony, p. 16, lines 24-25. [REDACTED] remembers the

way Holmes began to speak to her: “it started out casual, then it got personal, then got sexual. So like those steps, but it was quick.” See [REDACTED] Notes of Testimony, p. 36, lines 6-7. She remembers that Holmes was “talking about how attracted he is. Talking about certain parts of my body, my thighs. And then he would just get carried away with himself as if he was in some sort of fantasy, because I’m just looking at him not saying anything...” See [REDACTED] Notes of Testimony, p. 36, lines 11-15. As she stood there, Holmes got up from his desk and began walking over to her. See [REDACTED] Notes of Testimony, p. 36, lines 21-22. [REDACTED] was up against the door because she hadn’t approached his desk. See [REDACTED] Notes of Testimony, p. 36, lines 19-20. She described feeling like a deer in headlights as Holmes came towards her. See [REDACTED] Notes of Testimony, p. 37, lines 11-14.

84. Holmes came over to [REDACTED] and pushed himself against her. She knew she was in trouble in that moment:

I knew that he was going to like overpower me because he already had like mentally, just by like coming over to me and like pushing his body up against me. He used to play football. This is a big guy. Naturally intimidating-looking. So just him coming over, just with his presence.

See [REDACTED] Notes of Testimony, p. 37, lines 2-8.

85. After pushing himself against her, without her consent, Holmes stuck his hands down [REDACTED] s pants and inserted his finger into her vagina. See [REDACTED] Notes of Testimony, p. 16, lines 15-16. When Holmes took his hand out, he put his finger in his mouth and said “you taste so good.” See [REDACTED] Notes of Testimony, p. 16-17, lines 22-4.

86. After that, [REDACTED] told Holmes she had to go and remembers perceiving a change in him. See [REDACTED] Notes of Testimony, p. 37, lines 18-19. She explained that it was like he “started to get back to reality like, I guess, this woman isn’t into me as I thought she was. So he didn’t say anything, and I just immediately opened and shut the door.” See [REDACTED] Notes of Testimony, p. 37, lines 20-23.

87. After leaving Holmes’ office [REDACTED] went downstairs to the bathroom and looked in the mirror. She tried to convince herself that she could forget this and pretend it never happened. She recalls telling herself: “Look. Listen to me. You’re not going to say anything.” See [REDACTED] Notes of Testimony, p. 18, lines 9-12. [REDACTED] thought if

she told her father, her father would either want to kill Holmes or he'd lose his job. Similarly, [REDACTED] worried about her brother who was also on the force. "He would have got in trouble," she explained. See [REDACTED] Notes of Testimony, p. 18, lines 12-17. Not wanting to hurt her family and blaming herself, [REDACTED] tried forget; "... I said to myself, this never happened. And I told myself that for many, many years." See [REDACTED] Notes of Testimony, p. 18, lines 22-23.

88. [REDACTED] tried to keep the memory of what happened in Holmes' office that night repressed for a long time. She kept her head down at PPD and made detective around December of 2011. In, 2012 she moved out of Philadelphia County. See [REDACTED] Notes of Testimony, p. 5, lines 8-9 and p. 34, lines 13-15. Throughout the years though, [REDACTED] heard rumors about Holmes through her coworkers at the police department. She heard that he'd been investigated and that they'd found semen or sperm in his city-issued car. She saw officers laughing and joking about it; apparently they thought it funny that even after recovering this kind of evidence from Holmes' city-issued car, they "just let him go." See [REDACTED] Notes of Testimony, p. 19, lines 21-23.
89. Hearing the Holmes may have assaulted or harmed others affected [REDACTED]. When she became a mother, overwhelmed with love and a protective instinct, she decided it was finally time for her to come forward. At the time she made her report against Holmes, she did not know [REDACTED] or [REDACTED]. See [REDACTED] Notes of Testimony, p. 25, lines 2-18.
90. In her complaint to IAD, [REDACTED] reported Holmes and complained about a locker-room-like culture at PPD that enabled her male co-workers to make sexually explicit comments and jokes with impunity. While some of her allegations were substantiated, [REDACTED] herself was investigated by IAD as a result of her report and she was ultimately disciplined by IAD, although she denies the validity of their findings. She had never before been disciplined in her thirteen years on the force.
91. [REDACTED] eventually filed a lawsuit against the City, the Police Department, and Holmes that was settled out of court. A condition of that settlement was that [REDACTED] had to resign. See [REDACTED] Notes of Testimony, p. 22, lines 15-18. [REDACTED] left the police department in the spring of 2017. See [REDACTED] Notes of Testimony, p. 21, lines 10-11.
92. [REDACTED] explained that for so long, as a female police officer and then as a detective, her desire was just to be accepted, to be considered one of them - to ensure she'd have

back-up if she ever needed it. See [REDACTED] Notes of Testimony, p. 51, lines 5-9. She explained that one of the reasons she didn't talk about Holmes right away was that "even to this day I absolutely hate talking about it because I don't want 30 people in here that I don't know from a damn to see me as a victim because I've always tried to be strong... I never wanted to be that person that this happened to me and now I'm struggling with my life, you know?" See [REDACTED] Notes of Testimony, p. 51, lines 10-18.

93. Carl Holmes, without consent, digitally penetrated three separate female police officers during his tenure as Inspector or Chief Inspector of the Philadelphia Police Department. The nearly identical allegations, with markedly similar details shared across witnesses who did not previously know one another at the time of their assaults or reports, not only exemplify a toxic and sexually overt work environment for women officers, but more than meet the *prima facie* standard for the criminal charges presented herein.
94. Despite the passage of time between these incidents, their reporting to the Police Department and the City of Philadelphia, and their presentation to us for criminal consideration, we, the Thirtieth County Investigating Grand Jury, find that no one, no matter position, rank, or power, is above the law.

RECOMMENDATION OF CHARGES:

Based on the evidence that we have obtained and considered, which establishes a *prima facie* case, we the members of the 30th Philadelphia County Investigating Grand Jury recommend that the District Attorney or his designee institute criminal proceedings against Carl Holmes and charge him with the following offenses:

As against [REDACTED] [REDACTED]

18 Pa. C.S. § 3125A, Aggravated Indecent Assault (F1)

18 Pa. C.S. § 3126, Indecent Assault (M1)

18 Pa. C.S. § 3126)(a)(1), Indecent Assault (M2)

As against [REDACTED]

18 Pa. C.S. § 12.901(A)/3123 Attempted Involuntary Deviate Sexual Intercourse (F1)

18 Pa. C.S. § 3125A, Aggravated Indecent Assault (F1)

18 Pa. C.S. § 12.901(A)/§ 3124.1, Attempted Sexual Assault (F2)

18 Pa. C.S. § 3126, Indecent Assault (M1)

18 Pa. C.S. § 3126)(a)(1), Indecent Assault (M2)

As against [REDACTED]

18 Pa. C.S. § 3125A, Aggravated Indecent Assault (F1)

18 Pa. C.S. § 3126, Indecent Assault (M1)

18 Pa. C.S. § 3126(a)(1), Indecent Assault (M2)

The Commonwealth will be relying upon 42. Pa.C.S. § 5552(c)(2), which extends the statute of limitations on certain offenses when committed by a public employee in the course of, or in connection with, his duties, in each of the cases.

AMERICAN ARBITRATION ASSOCIATION

IN THE MATTER OF:

**FRATERNAL ORDER OF POLICE,
LODGE # 5**

AND

**AAA CASE NO. 14 390 1455 06 (Randy Davis)
Suspension, Demotion, and Transfer**

CITY OF PHILADELPHIA

OPINION AND AWARD OF ARBITRATOR

**Hearing Dates: April 25, 2007
August 9, 2007**

Briefs Filed: September 20, 2007

Arbitrator: Thomas G. McConnell Jr.

Appearances:

For the FOP:

Thomas W. Jennings, Esq.

For the City:

May Mon Post, Esq.

PROCEDURAL HISTORY

This is a grievance arbitration proceeding involving the Fraternal Order of Police, Lodge 5 (FOP) and the City of Philadelphia (City). Hearings were held on April 25 and August 9, 2007. Briefs were then filed on September 20, 2007. During the hearings, the parties were given the full opportunity to present their cases.

ISSUES

The parties were able to stipulate to the issues in this case: Whether the City had just cause to suspend, demote, and transfer the Grievant? If not, what shall the remedy be?¹

NOTICE OF DEMOTION, SUSPENSION, AND TRANSFER

In or about July 2006, the City issued a Notice of Suspension and Notice to Demote to Randy Davis, the grievant in this matter. At the time of this action, Mr. Davis was a sergeant.²

The reasons underlying the suspension and demotion were the same, and the notices provided as follows:

¹ During the hearings, the City suggested that there was an issue concerning whether Sergeant Davis had been detailed out of the 39th District while the EEO unit completed its investigation. In its post-hearing brief, the City agrees with the FOP that the issue regarding the reassignment relates to just cause for a disciplinary transfer.

² For ease of reference, I will continue to refer to Davis as "Sergeant Davis."

Article 4.-Neglect of Duty, Section 4.15 (Failure to properly supervise subordinates; or to prefer disciplinary charges; or to take other appropriate disciplinary action).

In that on [REDACTED], a complaint of sexual harassment was made against you, while assigned to the 39th District. The EEO investigation revealed that you made numerous inappropriate comments and engaged in a pattern of inappropriate behavior towards P/O E [REDACTED] D [REDACTED] # [REDACTED] which created a hostile work environment.

These actions constitute a failure to properly supervise your subordinate. Supervisors are held to a higher standard of conduct.

Such conduct indicates that you have little or no regard for your responsibilities as a Police Sergeant.

Article 4-Neglect of Duty, Section 4.20 (Failure to comply with Commissioner's Orders, Directive, Regulations, etc., or any oral or written orders of superiors).

In that on [REDACTED], a complaint of sexual harassment was made against you, while assigned to the 39th District. The EEO investigation revealed that you made numerous inappropriate comments and engaged in a pattern of inappropriate behavior towards P/O E [REDACTED] D [REDACTED] # [REDACTED].

Your conduct violated Departmental policy and is prohibited, per Directive #97, Equal Employment Complaint Procedures," Section II-A-2 and Section II-B.

FACTUAL BACKGROUND

OFFICER D [REDACTED]'S COMPLAINT

Officer D [REDACTED] first registered her complaint, based upon sexual harassment, with Inspector C [REDACTED] H [REDACTED]. Officer D [REDACTED] was familiar with Inspector H [REDACTED] from the Police Academy. Part of Inspector H [REDACTED] responsibilities relate to the Police Academy, and he teaches several courses

there. Officer D [REDACTED], who was an officer in the 39th District at the time, testified that she did not bring her complaint to Lieutenant B [REDACTED] B [REDACTED], at the 39th District, because she perceived a friendship between the lieutenant and Sergeant Davis. Officer D [REDACTED] testified that she did not bring her complaint to Captain T [REDACTED] Y [REDACTED], at the 39th District, because Captain Y [REDACTED] was new, and D [REDACTED] did not know her.

Inspector H [REDACTED] then scheduled a meeting with Officer D [REDACTED]. During this meeting, Inspector H [REDACTED] advised her of her rights under Directive 97, the Police Department's Equal Employment Opportunity (EEO) policy. Officer D [REDACTED] provided some detail regarding her complaint, and Inspector H [REDACTED] asked her to hold off on filing with EEO so that he might have a chance to resolve the complaint informally by meeting with Sergeant Davis. Inspector H [REDACTED], who had known Sergeant Davis for a number of years, then scheduled a lunch meeting with Sergeant Davis. Inspector H [REDACTED] also invited Inspector H [REDACTED], from Internal Affairs, to attend the meeting.

During the meeting, Inspector H [REDACTED] urged Sergeant Davis to show better judgment in his relations with Officer D [REDACTED], in particular with respect to the issue of buying her

a cell phone and having breakfast with her outside the District. Sergeant Davis informed Inspector H [REDACTED] and Inspector H [REDACTED] that he had done nothing improper. Another topic of discussion at the meeting concerned problems Sergeant Davis was having with other officers in the squad, which were not EEO related. Officer D [REDACTED] filed her complaint with the EEO unit on [REDACTED].

THE EEO INVESTIGATION

Officer Luis Ruiz is an investigator in the City's EEO unit. Officer Ruiz has served in that capacity for eight years. Officer Ruiz was a patrol officer prior to that time for six years. Officer Ruiz received approximately 40 hours of training when he was placed in that position. In

[REDACTED] Officer Ruiz was assigned to investigate a complaint from Police Officer E [REDACTED] D [REDACTED] that Officer Davis had engaged in sexual harassment of her.

Officer Ruiz initially interviewed Officer D [REDACTED] on two occasions and, between November 2004 and June 2005, Ruiz interviewed approximately 20 other people. The investigation was completed in June 2005, and a summary prepared in July 2005. On July 1, 2005, Officer Ruiz sent the EEO recommendations, and the investigation packet, to a

Deputy Commissioner, for transfer to the Police Commissioner.

In making his recommendations, Officer Ruiz found that certain allegations to be substantiated. The substantiated allegations may be summarized as follows:

- Sergeant Davis told Officer D [REDACTED] that she had "the potential to move up in the job."
- Sergeant Davis exhibited preferential treatment by assigning Officer D [REDACTED], a rookie police officer, to the Burglary team.
- Sergeant Davis paid two to three unannounced visits to Officer D [REDACTED] home.
- Sergeant Davis conducted several "ride alongs" with Officer D [REDACTED], including one that lasted five hours, including breakfast. Officer Ruiz also concluded that, at the end of the five hour "ride along," after breakfast, Officer D [REDACTED] went home on sick leave because she "could not take it anymore."
- Sergeant Davis accused Officer D [REDACTED] of associating with known drug dealers. Officer Ruiz determined that there was no evidence that the allegation made by Sergeant Davis was true. Officer Ruiz stated that, although not an EEO issue, this charge relates to the totality of the circumstances and to the allegations of sexual harassment.
- In his **Conclusion**, Officer Ruiz stated as follows:

The totality of the circumstances indicates that Sgt. Randy Davis did sexually harass Officer E [REDACTED] D [REDACTED] by creating a hostile work environment for her.

The investigation revealed that Sergeant Randy Davis did misuse his authority as a supervisor when he excessively conducted 3-4 ride alongs with Officer D [REDACTED] (on one instance exceeding

five hours during an extremely busy tour of duty as related by Sergeant B [REDACTED], and causing Officer D [REDACTED] to report off in a sick status to separate herself from Sergeant Davis.

Lieutenant B [REDACTED]'s evaluation of Officer D [REDACTED]'s auto accident noted "very minor accident-no damage."

Incidents of Preferential Treatment by Sergeant Davis to Officer D [REDACTED] are as follows:

Interviews conducted among 39th District Officers corroborated that Sergeant Davis frequently resumed Officer D [REDACTED]'s back up via Police Radio and backed up Officer D [REDACTED] himself.

Sergeant Davis assigned Officer D [REDACTED] on occasion to the Burglary Detail with less than one year of experience as a police officer.

Sergeant Davis purchased a cell phone for Officer D [REDACTED] and frequently telephoned her from his cell phone and his residence. This is documented in Cell Phone Records and Sales Receipts contained in this investigation.

Sergeant Davis made at least two-three uninvited visits to Officer D [REDACTED]'s home. One occasion, [REDACTED] was witnessed by R [REDACTED] and R [REDACTED] D [REDACTED], parents of Officer Diaz....

The investigation did reveal violations Directive #97 and of Departmental EEO Policies by Sgt. Randy Davis.

The investigation did indicate a violation by Sgt. Randy Davis of the Mayor's Policy governing fair and equitable treatment of employees and potential employees.

This investigation did reveal a violation of the Philadelphia Police Department's Equal Employment Policy by Sgt. Randy Davis.

Officer Ruiz found several of the more serious allegations to be inconclusive, because Sergeant Davis denied the allegations and there was no corroboration of Officer D [REDACTED]'s account. These allegations included that, during a work shift, Sergeant Davis put his arms around Officer D [REDACTED] and kissed her on the neck; that Sergeant Davis, while indicating that he was having marital difficulties and inquiring as to what she "looked for in a man," told Officer D [REDACTED] that she is beautiful; and that Sergeant Davis suggested she should permit him to take some pictures of her to submit to Playboy.

Lieutenant Frances Neiley, the Commanding Officer of the EEO Unit, approved Officer Ruiz's report. Lieutenant Neiley did not testify in this proceeding.

PBI HEARING

Subsequently, Police Board of Inquiry (PBI) hearings were held on June 20 and 21, 2006. The PBI recommended a 10 day suspension plus a demotion. As mentioned above, the Police Commissioner then adopted the PBI recommendation.

TESTIMONY PRESENTED

Cell Phone

In May or June 2004, Officer D [REDACTED] lost her cell phone. The evidence fairly indicates that cell phones are of

importance to police officers on the job, and this is particularly true of "rookie" police officers. Officer D [REDACTED] was a rookie at that time.

Officer D [REDACTED] mentioned to Sergeant Davis that she lost her cell phone. At the time, Officer D [REDACTED] was interested in replacing the lost cell phone with a Nextel, but was not able to come up with the \$500.00 for a deposit. Sergeant Davis offered to put Officer D [REDACTED] on his plan, so that such a deposit would not be necessary. Sergeant Davis received \$25.00 dollars from the phone company for doing that.

Sergeant Davis testified that he had done the same thing for at least two other police officers, both male.

Officer D [REDACTED] testified that she had the Nextel for about a month, and then switched phones to another account. On direct examination, Officer D [REDACTED] testified that, after getting the Nextel phone, "the phone calls were non-stop," suggesting that Sergeant Davis was calling her regularly.

On cross, Officer D [REDACTED] acknowledged when faced with phone records that on several occasions in June 2004, she made calls to Sergeant Davis' home, one of which lasted for 28 minutes and one which lasted for 30 minutes. At least one of the calls was not preceded by a call from Sergeant

Davis. Officer D [REDACTED] testified that she had no recollection of the substance of these phone conversations.

VISITS TO D [REDACTED] HOME

The evidence shows that, on at least two occasions, Sergeant Davis made visits to the D [REDACTED] home, once to give her the Nextel and once to pick up the money for a Nextel bill. I have credited Officer D [REDACTED] testimony that she had suggested in phone conversations with Sergeant Davis that this could have been done while on the job.

RIDE ALONGS

As the EEO unit concluded, Sergeant Davis conducted at least two ride alongs with Officer D [REDACTED]. The evidence shows that these ride alongs took place after the Greek picnic, in July 2004, and possibly continued into early August.

Sergeant Davis conducted two five hour "ride alongs" with Officer D [REDACTED] in July 2004. The purpose of a ride along is to permit the supervisor the opportunity to observe the officer's ability to operate the vehicle. During the ride along, Sergeant Davis directed Officer D [REDACTED] to go outside of the assigned 39th District, to his home. Officer D [REDACTED] remained outside in the car for approximately fifteen minutes. Upon returning, Sergeant Davis directed Officer D [REDACTED] to take him to a diner in the 5th District, where he

ate breakfast. Officer D█ testified that she went in the diner but did not eat.

Officer D█ testified that the direction to go outside the District made her feel extremely uncomfortable, and that the trip to Davis' house, in an isolated area, also made her uncomfortable. Officer D█ went home on sick leave after she and Davis left the diner. She testified that she went home sick due to the overall stress caused by the ride along.

Sergeant Davis testified that he had no choice but to do the ride alongs once Officer D█ had the accident. This was due to a June 16, 2003 standing order from Captain J████ L████, which required twenty hours driving observation within ten (10) days of the auto accident. Sergeant Davis testified that there was a shortage of sergeants at the time, as Sergeant B████ was on vacation and Sergeant H████ was out due to an injury.³

Sergeant Davis testified that this shortage of manpower resulted actually in shortening the amount of hours for the ride alongs with Officer D█. The shortage of manpower also resulted in a request to waive the requirement that Officer D█ remain in "non-driving

³ Sergeant B████'s testimony indicates that she was working a tour of duty during at least one of the five hour ride alongs.

"status" for 30 days following the Greek picnic accident. Though there is conflicting evidence on the issue of whether such a waiver should have been granted under the terms of the standing order, the matter was discussed with Lieutenant B [REDACTED] and Captain L [REDACTED] and Officer D [REDACTED] was put back on driving status.

As to the ride alongs themselves, Sergeant Davis testified that he did have Officer D [REDACTED] take him to his house, outside of the District, and that she waited outside. Sergeant Davis testified that technically this is not permitted, but that it is a common practice among officers. Sergeant Davis also acknowledged that he directed Officer D [REDACTED] to go to a diner for breakfast, also outside the District. Sergeant Davis testified that the diner is several blocks outside the District, and that it is commonplace for officers to go outside the district on last out because there are no serviceable restaurants to eat in within the District at that time of night.

Lieutenant B [REDACTED] testified that the ride along in question occurred just after Officer D [REDACTED] had an accident during the Greek picnic. Though this accident caused no damage to either vehicle involved, at the time command was deeply concerned about reducing the number of accidents.

Though as stated at the time the 39th District was suffering from a shortage of manpower, particularly in relation to sergeants, Lieutenant B [REDACTED] testified that the Captain's directives still needed to be followed. The evidence shows that this emphasis on safety resulted in ride alongs with all officers, though unless the officer involved had been in accident the ride alongs were typically on hour or so in duration. Sergeant Davis and Lieutenant B [REDACTED] testified that Davis did ride alongs with all members of his squad.

ALLEGATION OF D [REDACTED] ASSOCIATION WITH DRUG DEALERS

Sergeant Davis testified that, in or about July 2004, he received word from Officer R [REDACTED] and Officer C [REDACTED], members of his squad, that Officer D [REDACTED] was fraternizing with known drug dealers. Sergeant Davis testified that, once hearing this, he was obliged by Department policy to report this to his superiors, which he did. This policy, in pertinent part, states that, “[a]ll personnel have the right and the duty to register complaints of personnel wrongdoing, grievances, and improper or illegal conduct by any employee of the Police Department.” The policy also states that, “[a]ny employee registering complaints of wrongdoing or a grievance, or a complaint of improper or illegal conduct which he/she knows

not be true is subject to disciplinary action." The policy further states that, "[t]he right and duty to come forward will not be used to initiate groundless complaints or maliciously slander another member of the Department."

Sergeant Davis then had a meeting with Officer D [REDACTED]. Sergeant B [REDACTED] was also present at that meeting. During the meeting, Sergeant Davis advised Officer D [REDACTED] that she needed to be more careful in relation to the people she associated with.

Officer D [REDACTED] testified that, following this accusation, her car was changed, which resulted in a change of sectors for her patrol. Officer D [REDACTED] testified that she also encountered difficulties with getting back up from officers when she needed it, and that she viewed the change in assignment as an effort on Davis' part to isolate her from the rest of the squad. Sergeant Davis testified that he had no contact with any officers regarding a change in the procedure for backing up Officer D [REDACTED].

Lieutenant B [REDACTED] testified that she made the decision to switch Officer D [REDACTED] assignment after D [REDACTED] had the accident at the Greek picnic. Lieutenant B [REDACTED] testified that, in doing so, the intent was to change D [REDACTED] patrol sector to a much safer part of the 39th District.

Lieutenant B [REDACTED] testified that it was her hope that the change would permit Officer D [REDACTED] to have more seasoning in an environment which was not going to place her in as many serious situations.

The Police Department did investigate the allegation that Officer D [REDACTED] was associating with known drug dealers. The investigation apparently cleared Officer D [REDACTED] as she was not disciplined. Officer D [REDACTED] testified that she believes that the Davis allegation was retaliation because she was not interested in having an intimate relationship with her. The EEO unit determined that there was no evidence that Officer D [REDACTED] was associating with known drug dealers. The EEO unit did not address Sergeant Davis' duty to report misconduct or improper activity under Department policy and did not expressly state that in advancing such claims Davis was retaliating.

Corporal W [REDACTED] (then an officer) testified that, immediately after the meeting between Davis, B [REDACTED], and D [REDACTED], she saw Officer D [REDACTED] crying, and then had a conversation with D [REDACTED]. Corporal W [REDACTED] testified that, in that conversation, Officer D [REDACTED] briefly explained what had occurred in the meeting, and indicated that, "Sergeant Davis doesn't believe me," and that, "I thought he was my

friend." Officer D [REDACTED] denied this conversation ever occurred.

Corporal W [REDACTED] acknowledged that she and her husband do socialize with Sergeant Davis and his wife, but denied that she would lie for Sergeant Davis.

OTHER EEO CHARGES

There is no evidence in this record showing that Sergeant Davis regularly resumed back up in instances where Officer D [REDACTED] requested back up. Officer D [REDACTED] did testify that Sergeant Davis showed up on her beats for inordinate periods of time, but this allegation was not substantiated by the EEO unit.

Officer D [REDACTED] testified that Sergeant Davis put her on plainclothes burglary team on one occasion, and that she considered that special treatment for a new police officer. Sergeant B [REDACTED] testified that she had a similar concern, though B [REDACTED] also testified that Sergeant Davis had also made a similar assignment with respect to two rookie officers within her squad. Sergeant Davis testified that he spoke with Captain L [REDACTED] about establishing a two-person plainclothes burglary team within each squad, and that L [REDACTED] approved the proposal provided that all officers would be rotated through the teams.

POSITIONS OF THE PARTIES

The City's position may be summarized as follows:

- The City has established all elements of just cause in this case.
- First, the City has shown that the rules cited in the grievant's discipline-violation of Section 4.15 (Failure to properly supervise subordinates) and Section 4.20 (Failure to comply with any Commissioner's Orders, Directives, Regulations, etc.) were in place as of the dates of the alleged conduct of the Grievant.
- Second, the City has shown that the rules and Directive 97--which expressly deal with sexual harassment--were known, and should have been known, to the grievant as a seasoned sergeant.
- Third, the City has shown that there is a rational relationship between the rules cited and the City's legitimate interests. Police officers and sergeants are held to a higher standard, and the police department cannot tolerate any prohibited conduct, especially by supervisors.
- Fourth, the City has proven the conduct itself. Officer D [REDACTED] testified without rebuttal that the Grievant conducted several ride alongs with her, including a five hour ride along where the Grievant took her to a diner for breakfast in another district. The stress caused by this ride along caused Officer D [REDACTED] to take sick leave after the Grievant ordered her to go to the diner with him. It is also unrebutted that, during the ride along, the Grievant told her that he would not go on a ride along with a male or a female who is ugly. Officer D [REDACTED] also testified without rebuttal that the Grievant purchased a cell phone for her and frequently telephoned her from his cell phone and from his residence. Officer D [REDACTED] also testified without rebuttal that the Grievant made two or three uninvited visits to her residence and that, during a ride along, he also made her drive to his own residence, outside of the assigned 39th District.

Officer D [REDACTED] also credibly testified that the Grievant's behavior toward her was unwelcome.

- o Finally, the City has shown that the rules could be rationally applied to the conduct alleged here, both because they addressed the alleged conduct and because there is a legitimate justification for the rules. The evidence plainly indicates that the Grievant failed to properly carry out his supervisory responsibilities, and instead abused his authority in a manner which created a hostile working environment for Officer D [REDACTED]
- o During the hearings, the Grievant provided excuses for this conduct, but nothing more than excuses. As Officer D [REDACTED]'s supervisor, under no circumstances should Grievant have engaged in such inappropriate conduct.
- o As to the final question, the penalty, the overall circumstances justify the ten-day suspension, demotion, and the transfer. The Police Department followed the Disciplinary Code, and the Grievant was advised that the transfer could be part of the disciplinary process. In the unlikely event that the arbitrator were to overturn the discipline in any way, the City argues in the alternative that there should be no back pay and that under no circumstances should the Grievant be assigned to Officer D [REDACTED]'s district.
- o The grievance should be denied.

The FOP's position may be summarized as follows:

- o Before discussing the merits, it is necessary to point out that the charging documents are defective on their face. For example, the Notice of Suspension and Demotion issued to the Grievant indicate that "the EEO investigation revealed that you made numerous inappropriate comments and engaged in a pattern of inappropriate behavior toward L [REDACTED] D [REDACTED]." In fact, the EEO rejected such allegations as being inconclusive. The City called no witness to explain the meaning of the Notice of Suspension and Notice of Demotion.

- o If we are to assume that the "pattern of inappropriate behavior towards L [REDACTED] D [REDACTED]" refers to the charges sustained by the EEO, then another problem arises. For the EEO report actually sustained an allegation that was never made, in relation to Officer D [REDACTED] being permitted to do a rotation on a Burglary team. Another issue regarding the defectiveness of the charging papers arises with respect to the allegation that Sergeant Davis charged Officer D [REDACTED] with associating with known drug dealers. Although Sergeant Davis did advance such a complaint with Internal Affairs, in keeping with his responsibility under departmental rules, the EEO conceded in its report that this was not an EEO issue. Though that should have been the end of the matter, the EEO instead went on to opine as to the validity of Officer D [REDACTED]'s allegation in that regard.
- o The City cannot have it both ways. It cannot conduct a year long investigation into facts, conclude that there is no basis for proceeding, and then turn around and charge a police officer with the very acts that the investigator himself concluded were baseless and unsubstantiated. Nonetheless, in its rush to judge Sergeant Randy Davis, that is precisely what occurred in this case.
- o Though the City chose to withhold from the Arbitrator any witness to testify as to how the City's sexual harassment policy is to be applied, fortunately there is a wealth of case law which should aid the arbitrator in reaching a resolution here. The courts in such cases have insisted upon a very particularized quantum and quality of evidence to prove the existence of the elements of a hostile work environment. The U.S. Supreme Court has made it clear that conduct which is not severe or pervasive enough to create an objectively hostile or abusive working environment is beyond Title VII purview.
- o Turning to the EEO analysis, the EEO determined that Sergeant Davis had told Officer D [REDACTED] that "she had the potential to move up in her job," and seemingly concluded that this was a piece of evidence which should be considered against Davis. The problem with the EEO's conclusion, of course, is that Sergeant

Davis is essentially being blamed for encouraging a rookie police officer to seek advancement within the Department.

- **The Burglary Detail:** Even though the EEO unit rejected Officer D█'s assertion that Sergeant Davis had put her up to writing a memo to seek assignment to the Burglary Detail, the EEO nonetheless "substantiated" the allegation because Sergeant Davis assigned Officer D█ to the detail. Yet the evidence shows that all the officers of the squad were rotated through that assignment.
- **Davis' visits to D█'s home:** Though it is true that Sergeant Davis did pay two visits to Officer D█'s home, he did so only in relation to a business transaction which had been made in relation to a Nextel phone. Officer D█, who had lost her own cell phone, got a new phone at a significant discount, and Sergeant Davis received a monetary bonus from the phone company for adding someone else to the account. Nothing untoward happened at the D█ home.
- **Ride Alongs:** While apparently in Officer D█'s world, Sergeant Davis did the ride alongs with her because he was attracted to her, in fact the record plainly reveals that Sergeant Davis was acting under orders of the Captain, and Lieutenant B█. The evidence makes it clear that, during the relevant time period, there was a marked concern for accidents on the job, and though Officer D█ was involved in a minor accident, it was considered an accident. It was the accident, and not Sergeant Davis' own discretion, which resulted in the ride alongs.
- **Lunch Break:** The EEO also saw fit to conclude that Sergeant Davis acted improperly because he and Officer D█ had a lunch break at a diner outside the District. There is no dispute that such a lunch break occurred. However, the EEO investigation failed to uncover that, at that time of the morning, there are no restaurants open in the 39th District, and therefore it is quite common for officers to go to the adjoining District to eat. There is nothing improper in this activity. In fact, it is a time honored tradition.

- **Reporting the Allegations Against D█ to Internal Affairs:** As a police officer in the City of Philadelphia, Sergeant Davis was required to report an allegation of wrongdoing, unless he knew it not to be true. Here, Sergeant Davis was apprised by two police officers under his supervision that Officer D█ was fraternizing with known drug dealers. It is ironic that the Directive specifically prohibits the very type of retaliation against the reporter of wrongdoing which is occurring in this case.
- It is an inescapable fact of this case that either E█ D█ or Randy Davis is lying. For his part, Randy Davis has a proven record of integrity. On the other hand, in order to believe Officer D█, the Arbitrator has to disbelieve not only Randy Davis, but Lieutenant B█, Corporal W█, Sergeant B█, Officer C█, Officer R█, as well as the authenticity of documentary evidence regarding the ride alongs and the Nextel phone. The simple and inescapable fact of the matter is that E█ D█ is a self-centered, immature and inexperienced person who basically believes that the world should revolve around her.
- Randy Davis' professional life has been ruined. He has been ripped out of the 39th and put in DPR where a police officer's career dies a slow and miserable death. Yet the evidence shows that Sergeant Davis did nothing more than perform his duties as a sergeant. In doing so he incurred the wrath of E█ D█ who believed that the world of the 39th should revolve around her and that her will should prevail.
- As former Secretary of Labor Donovan said when he was acquitted of blatantly false criminal charges—"Who will give me back my good name?" This is the predicament in which Randy Davis finds himself. He has been falsely and viciously accused of engaging in conduct that is absolutely without a foundation in truth and that borders on pure fiction. The City has now been given the opportunity to prove those charges and has miserably failed to do so. It is the role of the Arbitrator to give Randy Davis back fourteen years of his life--to give him back his good name.

DISCUSSION

The grievant in this matter is Randy Davis. The FOP and Mr. Davis grieve the City's decision to suspend him, demote him from his position as sergeant, and transfer him from the 39th District to the Differential Police Response Unit (DPR). The parties have stipulated that the issue relates to whether the City had just cause for these personnel actions.

FOP CHALLENGE TO THE CHARGES

As a preliminary matter, the FOP urges that the charges themselves are defective. The charges are set forth in full in the factual background section above, which were filed under Section 4.15 (Failure to properly supervise subordinates; or to prefer disciplinary charges; or to take other appropriate disciplinary action) and Section 4.20 (Failure to comply with any Commissioner's Orders, Directive, Regulations, etc., or any oral or written orders of superiors).

The core of both charges is the allegation that, "[t]he EEO investigation revealed that you made numerous inappropriate comments and engaged in a pattern of inappropriate behavior towards P/O E [REDACTED] D [REDACTED] # [REDACTED]" The charge arising under Section 4.15 specifically alleges that

Sergeant Davis established a hostile working environment for Officer D [REDACTED].

An EEO investigation preceded the charges, and the EEO investigation packet was admitted over the objection of the FOP.⁴ A Police Board of Inquiry (PBI) hearing was also held, after which the Board recommended a ten-day suspension and a demotion. The recommendation as to disciplinary penalty was accepted by the Police Commissioner.

Based upon my reading of the Notice of Statement of Charges, the Police Commissioner adopted the EEO report. This is the most reasonable construction of the charges, and I believe fairly informs the FOP and the grievant of this fact. The problem this construction creates, however, is that the EEO report specifically "passes" on several key allegations, allegations which if placed before me would likely assist in deciding key credibility issues in this case.⁵ While the Police Commissioner could have presumably reached a conclusion on these key allegations, based on the totality of the circumstances as developed in the EEO

⁴ The packet was introduced in relation to the City's argument that a fair investigation was conducted. Though the parties were free to seek introduction of documents within the packet for other purposes, e.g., documentary evidence attached to the statements taken, to use the statements taken to impeach credibility where appropriate, or to refresh recollection, I have not relied upon the statements within the packets, particularly in instances where the witnesses did not testify in this proceeding. The parties did stipulate that Officer E [REDACTED] L [REDACTED] would testify consistent with his statement, and that I could consider this statement.

⁵ Directive 97 states that an EEO investigation *could* reach no conclusion where the evidence available is limited to one officer's word vs. another officer's word. Obviously this is the tack the EEO chose in this instance.

report, or the PBI tapes or transcripts (if available), he did not do so.⁶ Thus, as I stated at the hearing, I must presume that the Police Commissioner did not consider these allegations in rendering his judgment on the matter.

THE DEPARTMENT'S SEXUAL HARASSMENT POLICY

The City urges that the remaining allegations paint a picture of a sergeant who established a hostile working environment for a rookie female police officer; and otherwise violated the EEO Policy.

The discipline arises under Directive 97, the Police Department's EEO policy. As might be expected, the directive emphasizes that the Police Department "complies with all Civil Service Regulations and local, state, and federal statutes concerning equal employment issues." The directive also encourages uniform and civilian personnel to report instances of "discrimination, sexual harassment, or other equal employment opportunity-related misconduct existing within the Department." The Directive also sets forth general categories of prohibited conduct, which is then followed up by a series of individual examples of such conduct. The specific examples include the following:

⁶ Had the Police Commissioner chosen to do so, obviously either the Police Commissioner or a designee intimately familiar with the decision-making process would have had to testify to provide an explanation.

- Preferential Treatment or promise of preferential treatment for submitting to sexual conduct, including soliciting and attempting to solicit any employee to engage in sexual activity for compensation or reward.
- Subjecting or threatening to subject an employee to unwelcome sexual attention or conduct or intentionally making job performance more difficult because of the employee's gender.
- Continuing to invite an individual to engage in social or sexual activities after being informed that the person is not interested. Example: Repeatedly asking an employee or co-worker out for a date after rejection.

Directive 97 also provides that “[a]ppropriate disciplinary action will be taken, up to and including dismissal, against any employee, supervisor, or administrator who engages in such prohibited conduct.”

Directive 97 later provides that supervisors are “held to a higher standard for violation of this directive and/or failure to take necessary and appropriate action.”

It is well established that Title VII of the Civil Rights Act of 1964 makes it possible to pursue an action of sexual harassment based upon two separate theories: (1) harassment that involves the conditioning of employment benefits, or employment security, based upon sexual favors, often referred to as *quid pro quo* sexual harassment; and (2) harassment which creates a hostile or abusive work environment. It is the second form of sexual harassment to

which the City refers in the Notice of Charges arising under Section 4.15 of the Disciplinary Code (Failure to properly supervise subordinates).

The Third Circuit has set forth the following elements for an actionable claim based upon an allegation that an individual, in this case a female, has been subjected to a hostile work environment: (1) she suffered intentional discrimination because of her sex; (2) that the discrimination was severe or pervasive; (3) that the discrimination detrimentally affected her; and (4) that the discrimination would have detrimentally affected a reasonable person of the same sex in that position; and (5) there exists a basis for employer liability. *Shramban v. Aetna*, 115 Fed. Appx. 578 (3d Cir. 2004), citing *Andrews v. City of Philadelphia*, 895 F. 2d 1469, 1482 (3d Cir. 1990).⁷

As stated in *Meritor Savings Bank v. Vinson*, 477 U.S. 57, 67 (1985), “[f]or sexual harassment to be actionable, it must be sufficiently severe or pervasive ‘to alter the conditions of [the victim’s] employment and create an abusive working environment.’” Thus, occasional insults,

⁷In *Andrews*, the court stated that the third element was designed to require subjective evidence of a hostile or abusive work environment, while the fourth element was designed to provide an objective basis as well, at least in part to guard against charges by hypersensitive employees. In *Harris v. Forklift Systems, Inc.*, 510 U.S. 17, 21 (1993), decided subsequent to *Andrews*, the U.S. Supreme Court stated that no Title VII violation can occur unless there is objective evidence of a hostile or abusive work environment, and unless there is subjective evidence that the victim views the environment as abusive.

teasing, or episodic instances of ridicule are not enough; they do not ‘permeate’ the workplace and change the very nature of the plaintiff’s employment.” *Jensen v. Potter*, 435 F. 3rd 444 (3d Cir. 2006), citing *Faragher v. City of Boca Raton*, 524 U.S. 775, 778 (1998).

It is not an easy matter to prove a hostile working environment, and in reading the case law it is evident that often boorish, or even despicable, behavior may not rise to the level of establishing a hostile work environment.⁸ In my estimation, however, though there may be a “safe harbor” for employers where misconduct does not meet the Title VII standard,⁹ Directive 97 and the Disciplinary Code still permits the Police Department to discipline employees for prohibited conduct which may not necessarily rise to the level of establishing a hostile working environment.

An interpretation to the contrary would prevent management from using progressive discipline to put a stop to misconduct before it rises to a more serious level. Even though this provides a broader basis for considering discipline, there is still wisdom in the notion that there can never be a definitive code of civility for the

⁸ In *McGraw v. Wyeth-Ayerst Lab.*, 1997 U.S. Dist. LEXIS 20813 (E.D. Pa. December 30, 1997), for example, the court found that a supervisor’s repeated request for a date, kissing Plaintiff without her consent, forcing his tongue in her mouth, and touching Plaintiff’s face were not severe enough to create a hostile work environment.

⁹ *Adusumilli v. City of Chicago*, 164 F. 3d 353, 363 (7th Cir. 1998) (citation omitted).

workplace, and that there must therefore be leeway for conduct such as offhand comments, teasing, or isolated, minor incidents which really have no material, lasting impact on the dignity of an individual in the workplace, the ability of the individual to perform his or her work, or the ability of the employer to conduct its business.

CREDIBILITY CONSIDERATIONS

Both Sergeant Davis and Officer D [REDACTED] presented themselves well during these hearings. Yet it is clear that at least one of them is lying. As I stated previously, had all charges been subjected to the light of examination and cross-examination, it is possible or even likely that I would have a better chance of unraveling these credibility resolutions. As it stands, I will review the circumstances as developed at hearing.

A key witness in this proceeding is Lieutenant B [REDACTED]. During the relevant time period, Lieutenant B [REDACTED] was the lieutenant in the 39th District, and as such was Sergeant Davis' direct supervisor. Lieutenant B [REDACTED] was on restricted duty during much or all of the relevant time period, and assigned to the operations room.

Lieutenant B [REDACTED] is not originally from Philadelphia, and in her testimony she credited Sergeant

Davis with assisting her in understanding the culture of Philadelphia when she was a less experienced officer. The evidence shows that Lieutenant B [REDACTED] stuck up for Sergeant Davis' ability at a roll call after she had heard that some of the officers were questioning his supervisory ability.

The evidence also shows that Lieutenant B [REDACTED] showed up at a roll call after Officer D [REDACTED] had filed this EEO complaint. During this roll call, Lieutenant B [REDACTED] addressed in strong terms the need to follow the chain of command. Lieutenant B [REDACTED] testified that the need to address this issue was caused not only by Officer D [REDACTED]'s EEO complaint, but other instances unrelated to EEO where officers had gone outside the chain of command, and in doing so questioning her leadership ability.

While I have credited Lieutenant B [REDACTED]'s testimony that she was not angry about the filing of an EEO complaint *per se*, I have concluded that she was angry that officers were taking issues outside the District without giving management within the District an opportunity to deal with them first. It is also reasonable to conclude that a successful EEO complaint can, depending on the circumstances (and whether fairly or unfairly), reflect

poorly on the leadership of a particular police district.¹⁰

While I have concluded that Lieutenant B [REDACTED] is, to say the least, skeptical about Officer D [REDACTED]'s claims in this proceeding, and may even be biased due to her past history with Sergeant Davis, I have credited her testimony that she would not lie to protect Sergeant Davis.

A second witness who provided testimony at complete odds with Officer D [REDACTED] is Corporal W [REDACTED] (during the relevant time period an officer). While Corporal W [REDACTED] candidly conceded that she and her husband occasionally socialize with Sergeant Davis and his wife, I found her to be a credible witness who, like Lieutenant B [REDACTED], would not concoct a lie to protect the sergeant.

THE ALLEGATIONS

There is no evidence supporting the allegation that Sergeant Davis regularly resumed Officer D [REDACTED]'s back up. While the parties agree that Sergeant Davis did tell Officer D [REDACTED] that she had the "potential to move up in the job," I agree with the FOP that such a comment reflects nothing unusual, and is a typical comment a supervisor might make to a "rookie" employee to encourage her or him.

¹⁰ Indeed, Directive 97 specifically places a burden on supervisors to be accountable not only for their own conduct, but the conduct and actions of subordinates, and even non-employees who are present in the workplace, about which the supervisors "knew or should have known."

As to the allegation that Sergeant Davis gave preference to Officer D [REDACTED] by assigning her to a burglary detail, the evidence shows that D [REDACTED] was given this assignment once, and that all officers in the squad were rotated through that assignment. There is insufficient evidence to conclude preferential treatment due to a desire on Sergeant Davis' part to establish a personal relationship with Officer D [REDACTED].

One of the key allegations is that Mr. Davis ordered Officer D [REDACTED] to do several "ride alongs" with him during the course of tours of duty. The EEO report concluded that at least one of these ride alongs lasted five hours, leading Officer D [REDACTED] to go home sick after Mr. Davis directed her to drive him to a diner for breakfast.

There is no factual dispute that Sergeant Davis did perform at least two ride alongs with Officer D [REDACTED], both of them five hours in duration.

The dispute relates to the motivation behind the ride alongs, as the City urges the time Davis spent with Officer D [REDACTED] was intended to promote a romantic relationship, while the FOP urges that Sergeant Davis was acting under orders.

Lieutenant B [REDACTED] testified that she gave Sergeant Davis an order to do 20 hours of ride alongs with Officer

D [REDACTED] after she had an accident during the Greek Picnic in July 2004. Lieutenant B [REDACTED] testified that her own directive stemmed from a written order dated June 16, 2003, from Captain J [REDACTED] L [REDACTED]. The Command's emphasis on using ride alongs as a tool to reduce accidents is also evidenced by memos dated July 9, 2004 and August 7, 2004 from Captain T [REDACTED] Y [REDACTED].

Lieutenant B [REDACTED]'s testimony, which is buttressed by the documentary evidence, establishes that, though the length of the ride alongs might have understandably struck Officer D [REDACTED] as odd, in fact Sergeant Davis was complying with orders. Though Sergeant Davis' decision to have Officer D [REDACTED] drive him to his house, and then to breakfast at a diner in another District, also may have reasonably raised some concern on D [REDACTED]'s part,¹¹ there is no evidence that Sergeant Davis did or said anything untoward during any of the ride alongs.¹²

There is no dispute that, at some point in May or June 2004, Officer D [REDACTED] lost her cell phone. There is also no dispute that Officer D [REDACTED] did not have the money to put

¹¹ I draw no conclusion here as to whether, in leaving the District to go to his home or to have breakfast, the Sergeant violated Department policy or guidelines. Those issues are not before me.

¹² Officer D [REDACTED] testified that, during one of the ride alongs, Sergeant Davis indicated that he would not do a ride along with a male officer, or an "ugly" female officer. Officer D [REDACTED] did not make this allegation in her written statement provided to the EEO unit. Moreover, the evidence establishes that Sergeant Davis completed one hour ride alongs with all members of his squad, including males.

down a deposit on a Nextel replacement, and that Sergeant Davis then offered to put her on his plan, to which D [REDACTED] agreed. Officer D [REDACTED] had the phone for about a month, at which time she switched to another account. Sergeant Davis received a \$25.00 bonus from Nextel for signing Officer D [REDACTED] up. Sergeant Davis credibly testified that he had done this with respect to at least two other officers, both male officers. It is also undisputed that Sergeant Davis did not put any money out of his own pocket in relation to the transaction, as Officer D [REDACTED] paid for any costs involved. While the purchase of a cell phone for a female subordinate raises questions of judgment on Sergeant Davis' part, I am not convinced that, standing by itself, the purchase of the phone is particularly telling. The more telling concern relates to the allegation that Sergeant Davis began calling Officer D [REDACTED] regularly, from his cell phone and his residence.

During her testimony, Officer D [REDACTED] was given considerable latitude to tell her story. At the point that she got to the issue of the phone calls, she indicated that, "the phone calls were non stop," but after saying that she immediately segued into the issue of the ride alongs. There is nothing else in her testimony which would

establish the nature of such calls. On cross, Officer D [REDACTED] acknowledged that she also called Sergeant Davis at his residence, and that at least one call, in early June 2004, lasted for 30 minutes. Officer D [REDACTED] was unable to recall the nature of the discussion in such calls.

While the issue of the purchase of the phone, in combination with the phone calls, raises suspicions that Sergeant Davis was becoming involved with Officer D [REDACTED] at a level beyond the normal involvement with an average police officer, there is simply not enough detail in the testimony to take this allegation beyond the level of suspicion. And absent testimony regarding the nature of the calls, it is also impossible to understand whether the calls were work related, or if of a personal nature whether such calls were unwelcome.

The EEO investigation also concluded that Sergeant Davis paid two unannounced visits to Officer D [REDACTED]'s home. There is no dispute that Sergeant Davis did go to Officer D [REDACTED]'s home on two occasions, first to drop off the phone and then to collect money for the phone bill. The visits were quite short, and he did not go in the home. I find it more likely than not that Sergeant Davis chose to go to Officer D [REDACTED]'s home rather than simply dealing with such

transactions on the job, as D [redacted] likely suggested. Once again, this allegation raises suspicions that Sergeant Davis was not treating Officer D [redacted] in the same fashion he would have treated an average police officer. But it is still difficult to draw much larger inferences from these circumstances.

The final allegation is that Sergeant Davis accused Officer D [redacted] of fraternizing with known drug dealers. The EEO investigators concluded that this was not an EEO issue, while indicating that it does relate to the allegation of sexual harassment under the totality of circumstances examined. I find the EEO analysis confusing, and I believe I would be within my rights here to simply dismiss the charge on this basis.

Even if I make an attempt to arrive at a reasonable construction of the charge, I am not convinced that the charge has been proven. The most reasonable construction I can make is that, in making this allegation against Officer D [redacted], Sergeant Davis was seeking to retaliate because she would not submit to his overtures for a romantic relationship. If proven, this argument could provide support for the argument concerning a hostile work

environment, or even arguably for *quid pro quo* sexual harassment.

Sergeant Davis testified that the accusation that Officer D [REDACTED] was associating with known drug dealers first came from Officer R [REDACTED] and Officer C [REDACTED], both members of his squad. Sergeant Davis testified that he then verified that Officer D [REDACTED] was parked on street corners designated as "safe street corners" and that she appeared to be fraternizing with persons suspected to be drug dealers.

Sergeant Davis testified that he then advised Lieutenant B [REDACTED] of this finding, who advised him to refer the matter to Internal Affairs. Sergeant Davis then removed himself from the matter. Officer D [REDACTED] never received any discipline due to this allegation. There is also no evidence that Internal Affairs determined that the allegations raised by Officer R [REDACTED], C [REDACTED], and Sergeant Davis were not advanced in good faith.

Officer D [REDACTED] alleges that, after this allegation surfaced, she had her car assignment changed, which by definition changed the sector she was patrolling. Officer D [REDACTED] testified that she then felt isolated, as this part of the district was removed from the rest of the squad.

Lieutenant B [REDACTED] testified that she changed Officer D [REDACTED]'s car, but that this change occurred due to the Greek picnic accident, and not because of the allegation that Officer D [REDACTED] was fraternizing with known drug dealers. Lieutenant B [REDACTED] testified that her goal was to move Officer D [REDACTED] into a part of the District with a lower crime rate, and much lower rate of serious crime, so that Officer D [REDACTED] could get more seasoning.

Had the City been able to provide a more compelling case here that Sergeant Davis was engaging in harassment prior to the time of the allegations he advanced against Officer D [REDACTED], there would be reason to carefully scrutinize this charge. This is because Sergeant Davis would then have had a motive to retaliate, i.e., because Officer D [REDACTED] had spurned his advances.¹³

But when considering the charges substantiated in this proceeding, there is really a very weak foundation for concluding that Sergeant Davis had a motive to retaliate. There is only suspicion at best. Thus, whether or not Officer D [REDACTED] car was moved due to the Greek picnic

¹³ The Police Department's policy, entered as U Ex. 6, requires all officers to report allegations of corruption, misconduct, and other improper activities. It is obvious that the authors of this policy were concerned that the duty could be perverted in some circumstances, so that an officer with an axe to grind could smear another officer's reputation with groundless reports. Thus, the policy indicates that disciplinary action can result where an officer reports conduct the officer knows not to be true. Despite this proviso, it strikes me that the Department would often have a hard time proving that an officer "knew an allegation not to be true."

accident, as Lieutenant B [REDACTED] testified, or due to the drug dealer allegation, as D [REDACTED] testified, I find that there is an insufficient foundation in this record for concluding that Sergeant Davis had a motive to retaliate against Officer D [REDACTED].

OTHER CONSIDERATIONS

The FOP fairly asks me to consider certain other factors in reaching a perspective on the totality of the circumstances in this case. Credible testimony establishes that Officer D [REDACTED] had complained in or about May 2004 that another officer was hitting on her and that this was making her uncomfortable. While in my opinion the fact that an officer makes two EEO complaints does not necessarily mean either one is concocted, or that the officer complaining is unduly sensitive, the fact that Officer D [REDACTED] denied this must be given weight.

Though throughout her testimony Officer D [REDACTED] referred to the fact that Sergeant Davis' conduct toward her made her uncomfortable, there is evidence which suggests that she did not consider herself to be in a hostile work environment. The fact that she made phone calls to Sergeant Davis' residence, one of which lasted 30 minutes, fairly suggests that the environment may not have been abusive or

hostile. The fact that Officer D█ gave Sergeant Davis a birthday card likewise suggests the same.

Although Officer D█ was well aware that she had the option of making an EEO complaint, there is no indication in the record that she even remotely considered such a complaint until the allegation was made that she may have been associating with known drug dealers. In the timeline of this case, this allegation surfaced after all the other alleged misconduct by Sergeant Davis had occurred.

Immediately after the meeting where Sergeant Davis advised her of the allegation, Officer D█ told Corporal W█ (then an officer) that, "I thought he [Sergeant Davis] was my friend."

CONCLUSION

While the FOP seeks to have me totally vindicate Sergeant Davis, and apparently have me label Officer D█ as something of a prima donna, I am not prepared to issue proclamations on either of these assertions here. The simple fact here is that the City has not met its burden of proof, either with respect to proving that Sergeant Davis established a hostile work environment for Officer D█, or with respect to proving a lesser level of misconduct which justifies the suspension, demotion, or transfer.

AWARD

The grievance is sustained, for the reasons stated in the foregoing opinion. The City is ordered to rescind the suspension, demotion, and transfer; transfer the Grievant back to the 39th District, and restore him to the position of sergeant; make the Grievant whole for any loss of wages, benefits or other emoluments of employment flowing from the suspension, demotion, or transfer, including proven loss of overtime or shift differential; and to expunge any reference to the suspension, demotion, or transfer from the Grievant's personnel records.

Dated: December 31, 2007

Thomas G. McConnell
Thomas G. McConnell Jr.

In The Matter Of:
MICHELE VANDEGRIFT v.
THE CITY OF PHILADELPHIA

CHRISTA HAYBURN
November 21, 2016

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Min-U-Script® with Word Index

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<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA 3 - - - 4 MICHELE VANDEGRIFT, : 5 Plaintiff, : 6 v. : Civil Action 7 : No. 16-2999 8 The City of Philadelphia : 9 Defendant. : 10 - - - 11 Philadelphia, Pennsylvania 12 Monday, November 21, 2016 13 - - - 14 Deposition of CHRISTA HAYBURN, taken 15 pursuant to notice, at the Console Law Offices, 16 LLC, 1525 Locust Street, Philadelphia, 17 Pennsylvania, beginning at 2:08 p.m., on Monday, 18 November 21, 2016, before Terry Barbano Burke, 19 RMR-CRR. 20 21 22 TERRY BURKE REPORTING 23 (215) 205-9079 24 terryburkermr@gmail.com</p>	<p>1 BY MR. CONSOLE: 2 Q. Good afternoon, Miss Hayburn. 3 A. Good afternoon. 4 Q. My name is Steve Console, and together 5 with Caren Gurmanek seated to my left, we have 6 the privilege of representing Michele 7 Vandegrift, also seated to my left, in 8 connection with the lawsuit she has brought 9 against the Philadelphia Police Department 10 alleging sex discrimination, sexual harassment 11 and retaliation.</p> <p>12 Today I am going to ask you some 13 questions that I think are relevant to our case. 14 If I ask you any question that you don't fully 15 understand, please let me know so that I can 16 rephrase the question so that do understand it. 17 If you proceed to answer the question, I will 18 assume you fully understood the question and are 19 answering it accordingly.</p> <p>20 Do you understand that?</p> <p>21 A. I do.</p> <p>22 Q. You are aware, of course, that you have 23 taken an oath to tell the truth, and although 24 you are in a conference room in our office, this</p>	
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<p>1 APPEARANCES: 2 STEPHEN G. CONSOLE, ESQUIRE 3 CAREN N. GURMANKIN, ESQUIRE 4 Console Law Offices, LLC 5 1525 Locust Street, Ninth Floor 6 Philadelphia Pennsylvania 19102 7 Counsel for the Plaintiff 8 NICOLE S. MORRIS, ESQUIRE 9 CITY OF PHILADELPHIA - CHIEF DEPUTY CITY 10 SOLICITOR 11 KIA GHEE, ESQUIRE 12 CITY OF PHILADELPHIA - ASSISTANT CITY 13 SOLICITOR 14 Law Department 15 One Parkway 16 1515 Arch Street, 16th Floor 17 Philadelphia, Pennsylvania 19102-1595 18 Counsel for the Defendant 19 ALSO PRESENT: 20 MICHELE VANDEGRIFT 21 THOMAS MORE MARRONE, ESQUIRE 22 More Marrone, LLC 23 1601 Market Street, Suite 2500 24 Philadelphia, Pennsylvania 19103 25 Counsel for the witness 26 - - - 27 CHRISTA HAYBURN, 28 One Christopher Drive, Philadelphia, 29 Pennsylvania, 19115, having been duly 30 sworn, was examined and testified as 31 follows:</p>	<p>1 deposition testimony has the same force and 2 effect as if you were testifying before a 3 federal judge and a federal jury in a federal 4 courthouse.</p> <p>5 Do you understand that?</p> <p>6 A. I do.</p> <p>7 Q. You have been subpoenaed to appear 8 today; correct?</p> <p>9 A. Yes.</p> <p>10 Q. And you are with your attorney Thomas 11 Marrone?</p> <p>12 A. Yes.</p> <p>13 Q. What is your date of birth?</p> <p>14 A. [REDACTED]</p> <p>15 Q. If at any time, Miss Hayburn, you wish 16 to take a break, please let me know. We will 17 take at break to suit your convenience.</p> <p>18 A. Thank you.</p> <p>19 Q. What is your educational background?</p> <p>20 A. I graduated high school, with many years 21 of college under my belt.</p> <p>22 Q. Where did you graduate high school?</p> <p>23 A. Frankford High School.</p> <p>24 Q. Are you born and raised in Philadelphia?</p>	

<p style="text-align: right;">Page 5</p> <p>1 A. Yes.</p> <p>2 Q. You graduated Frankford in what year?</p> <p>3 A. 1993.</p> <p>4 Q. You attended college, had certain</p> <p>5 courses at college?</p> <p>6 A. Yes.</p> <p>7 Q. What college or colleges did you attend?</p> <p>8 A. Let's see. Community College, Beaver</p> <p>9 College, Chestnut Hill, Kaplan University, and</p> <p>10 I'm currently enrolled at Penn State.</p> <p>11 Q. When did you join the police department</p> <p>12 of the City of Philadelphia?</p> <p>13 A. 2001.</p> <p>14 Q. And is that the year you entered the</p> <p>15 police academy?</p> <p>16 A. Yes.</p> <p>17 Q. And then you graduated from the police</p> <p>18 academy, was it the same year?</p> <p>19 A. Yes.</p> <p>20 Q. And tell us what was your first</p> <p>21 assignment as a police officer?</p> <p>22 A. I was assigned to the 25th District.</p> <p>23 Q. How long did you work at that district?</p> <p>24 A. I was assigned to that district until I</p>	<p style="text-align: right;">Page 7</p> <p>1 A. Inspector Holmes.</p> <p>2 Q. What did he say to you, to the best of</p> <p>3 your recollection?</p> <p>4 A. I don't remember.</p> <p>5 Q. Did you have to go through any kind of</p> <p>6 normal process to be assigned to the task force?</p> <p>7 A. No.</p> <p>8 Q. You started on January 3rd of 2006 --</p> <p>9 A. Yes.</p> <p>10 Q. -- on the task force. Do you recall</p> <p>11 attending a function at night in January, I</p> <p>12 guess it was January 6th, three days or so after</p> <p>13 you were appointed to the task force?</p> <p>14 A. Yes.</p> <p>15 Q. And do you recall that being at the</p> <p>16 Philly Empire Lounge?</p> <p>17 A. Yes.</p> <p>18 Q. And was Inspector Holmes there?</p> <p>19 A. Yes.</p> <p>20 Q. Could you tell us what happened on that</p> <p>21 particular night in connection with your</p> <p>22 interactions with Inspector Holmes?</p> <p>23 A. We were reassigned ten to six that</p> <p>24 evening our tour of duty because Inspector</p>
<p style="text-align: right;">Page 6</p> <p>1 was assigned to the task force, the East Task</p> <p>2 Force.</p> <p>3 Q. What task force?</p> <p>4 A. The East Task Force.</p> <p>5 Q. Am I correct you were assigned to the</p> <p>6 East Task Force on January 3 of 2006?</p> <p>7 A. Yes.</p> <p>8 Q. Who was in charge of the East Task</p> <p>9 Force?</p> <p>10 A. Inspector Holmes.</p> <p>11 Q. Did you know Inspector Holmes before you</p> <p>12 were assigned to that task force?</p> <p>13 A. Yes.</p> <p>14 Q. How did you know Inspector Holmes?</p> <p>15 A. He was my original inspector in the 25th</p> <p>16 when I arrived.</p> <p>17 Q. Before you went to the task force, did</p> <p>18 you have any type of disciplinary action brought</p> <p>19 against you?</p> <p>20 A. No.</p> <p>21 Q. How did you learn that you were going to</p> <p>22 be assigned to the task force?</p> <p>23 A. He personally asked me.</p> <p>24 Q. "He," being Inspector Holmes?</p>	<p style="text-align: right;">Page 8</p> <p>1 Holmes was leaving that Monday to attend the FBI</p> <p>2 Academy. So it was a going-away event with the</p> <p>3 whole entire task force.</p> <p>4 I'm not sure what time I arrived</p> <p>5 after my tour of duty. I walked into the bar at</p> <p>6 that time some time between 6:30 and 7 p.m. I</p> <p>7 was mingling with co-workers, since I was</p> <p>8 basically new, trying to feel my way around the</p> <p>9 new unit. We were dancing, conversating, normal</p> <p>10 interaction.</p> <p>11 At some point, I was invited into a</p> <p>12 conversation that Inspector Holmes was having</p> <p>13 with the captain of the 25th at that time,</p> <p>14 Ditchkofsky, I believe, and another co-worker of</p> <p>15 mine, Christy Boritz. And it was a conversation</p> <p>16 that was sexual in nature, which made me feel</p> <p>17 very uncomfortable.</p> <p>18 During that conversation, he had</p> <p>19 actually pulled me towards him and put his arm</p> <p>20 around me to kind of give me -- in a hug manner</p> <p>21 to tell me that, you know, that he had been</p> <p>22 attracted to me.</p> <p>23 Q. And the "he" was?</p> <p>24 A. Inspector Holmes.</p>

<p>1 Q. Continue, please.</p> <p>2 A. At that time I didn't say anything.</p> <p>3 Maneuvered my way to go back to dancing with my</p> <p>4 co-workers to get myself out of that</p> <p>5 conversation.</p> <p>6 We danced awhile. I then received a</p> <p>7 phone call. It was too loud in the bar, so I</p> <p>8 decided to take it outside. This was one of my</p> <p>9 previous co-workers from the 25th, Officer</p> <p>10 Ramos.</p> <p>11 I was standing out on the steps of</p> <p>12 the bar that night having a conversation with</p> <p>13 Officer Ramos when Inspector Holmes came</p> <p>14 outside. And I then proceeded to tell Officer</p> <p>15 Ramos that Inspector Holmes had just walked</p> <p>16 outside and I would call him back.</p> <p>17 Inspector Holmes grabs my hand.</p> <p>18 Guides me across the street to the north side of</p> <p>19 the street where his vehicle was parked, his</p> <p>20 Dodge Durango, and he went behind it. Not</p> <p>21 behind it, but on the passenger's side in the</p> <p>22 rear. Leaned up against it to wedge his way to</p> <p>23 meet my height out of sight.</p> <p>24 He pulled me in for a kiss, put his</p>	<p>Page 9</p> <p>1 was directly in front of the door, so if you</p> <p>2 opened the door of the stall, the sink was right</p> <p>3 there. Still on the phone with Officer Ramos,</p> <p>4 when Inspector Holmes opened the door, looked</p> <p>5 in, and said, "Don't forget to tell me when</p> <p>6 you're leaving."</p> <p>7 I didn't know what to do. I didn't</p> <p>8 know if he was going to be waiting for me.</p> <p>9 So my plan was that I'd stay on the</p> <p>10 phone with Officer Ramos, run out, grab my</p> <p>11 jacket, with the hopes that he wasn't there, and</p> <p>12 run out the front door, at which time that's</p> <p>13 what I decided to do.</p> <p>14 Stayed on the phone, grabbed my</p> <p>15 jacket. Walked out, rushed out the front door.</p> <p>16 Got my keys out. Put it in. Sat in my car, and</p> <p>17 I noticed in the bar, everybody left. I was all</p> <p>18 alone.</p> <p>19 When I got to the car, I sat in it,</p> <p>20 and then he came running out of the bar towards</p> <p>21 my driver's side door.</p> <p>22 He opened up the door. My keys were</p> <p>23 basically almost in the ignition when he guided</p> <p>24 me out of the car back around towards the</p>
<p>1 arms around me, and told me how much he thought</p> <p>2 that there was a mutual attraction. He had</p> <p>3 always thought that we had something.</p> <p>4 It was really cold that night, and I</p> <p>5 just said, "Hey, listen, let's go back in. It's</p> <p>6 too cold out." He said to me, "Let me know when</p> <p>7 you're leaving."</p> <p>8 I walked back into the bar and I</p> <p>9 went into the bathroom. I went directly into</p> <p>10 the bathroom.</p> <p>11 I sat in the last stall on the</p> <p>12 toilet. Called Officer Ramos back and told him</p> <p>13 what had just happened and asked him to help me</p> <p>14 get out of the situation without him seeing me.</p> <p>15 I don't remember how long I sat in</p> <p>16 the bathroom. No one had come in. I was in</p> <p>17 there by myself. There was no window to get out</p> <p>18 of. I didn't notice a back door that I could</p> <p>19 walk out of. All I knew was I had to walk out,</p> <p>20 grab my coat, and walk to the front door where</p> <p>21 everybody was still at.</p> <p>22 As I was trying to plan out my</p> <p>23 escape route, I stood, came out of the stall.</p> <p>24 There were two stalls. Walked to the sink that</p>	<p>Page 10</p> <p>1 passenger door, passenger door of his Dodge</p> <p>2 Durango. I kept explaining my husband is</p> <p>3 waiting for me. I have to go. This isn't</p> <p>4 right. You are my boss.</p> <p>5 He opened up the door of the</p> <p>6 passenger door, motioned me to get in. He got</p> <p>7 in the driver's side. Once he got into the</p> <p>8 driver's side, he reached over kissing me really</p> <p>9 hard, touching my chest and my breast area,</p> <p>10 putting his hands on the outside of my pants</p> <p>11 towards my genitals. Again, I explained to him</p> <p>12 this isn't right, I got to go, my husband's</p> <p>13 waiting for me.</p> <p>14 He reached around into the -- with</p> <p>15 his right hand putting his right hand in the</p> <p>16 back of my pants, inching his fingers towards my</p> <p>17 vagina, which then he then penetrated. Still</p> <p>18 kissing me. Took his left hand, opened up his</p> <p>19 pants and pulled out his penis. Took my hand,</p> <p>20 put it on top, and with his hand on top of mine</p> <p>21 motioned him in a jerking off manner.</p> <p>22 You know, I kept, again, insistently</p> <p>23 saying, "I have to go. You know, this isn't</p> <p>24 right. You are my boss." And he made a comment</p>

Page 13	Page 15
<p>1 about, you know, "How do you think Jackie got 2 her position?" Which at that time was his aide. 3 And I was just like -- I didn't know what to do. 4 He attempted to try and put me on 5 top of him to have intercourse. I said no. He 6 pushed my head towards his penis to give him 7 oral sex. I said no. You know, he asked me 8 just to finish him off because he was leaving 9 and wouldn't be back for three months and that 10 it would only take a few minutes.</p> <p>11 He then ejaculated. I pulled myself 12 together, put my pants up. He grabbed my phone 13 telling me give it to him so he could put his 14 phone number in it, his personal cell phone.</p> <p>15 I got out of the car. I went back 16 in my car and I drove away and pulled over.</p> <p>17 Q. And then what happened?</p> <p>18 A. I wasn't able to drive because I was 19 uncontrollably crying. So I stopped for a 20 little bit. I don't know the time frame. I 21 don't remember. It felt forever. Got myself 22 together. Pulled myself -- drove a little bit 23 more until I stopped again, because I couldn't 24 drive. I called Officer Ramos and told him what</p>	<p>1 the phrase "not sustained." Were you told that? 2 A. Not right away, no. 3 Q. Eventually did you learn that? 4 A. Yes. 5 Q. How did that make you feel? 6 A. Worthless. A liar. Angry. Sad. 7 Q. In terms of what you told the 8 Philadelphia Police Department about Inspector 9 Holmes, is everything you told them the truth? 10 A. 100 percent.</p> <p>11 MR. CONSOLE: Thank you. I have no 12 further questions.</p> <p>13 MS. MORRIS: We have some questions.</p> <p>14 BY MS. MORRIS:</p> <p>15 Q. Miss Hayburn, my name is Nicole Morris. 16 I represent the City of Philadelphia. This is 17 my associate Kia Ghee. I just have a few 18 questions for you.</p> <p>19 You filed a lawsuit about the 20 incident involving Carl Holmes; correct?</p> <p>21 A. Yes.</p> <p>22 Q. What was the resolution of that lawsuit?</p> <p>23 A. I dismissed it.</p> <p>24 Q. Why did you dismiss it?</p>
Page 14	Page 16
<p>1 had happened. He agreed to meet me at my 2 location.</p> <p>3 After a couple hours of talking, I 4 drove home and told my husband what happened.</p> <p>5 Q. Miss Hayburn, the records suggest that 6 you first made a complaint internally to the 7 police department approximately 25 months after 8 the event. It looks like it was February 15 of 9 2008.</p> <p>10 Does that seem right to you?</p> <p>11 A. Yes.</p> <p>12 Q. The records are replete with your 13 statements, and I am not going to go over all of 14 that.</p> <p>15 I do want to ask you why the delay, 16 why didn't you come forward with the complaint 17 sooner?</p> <p>18 A. Because I was afraid. I was afraid of 19 what would happen if I told on him. He was my 20 boss. He was an inspector. He was a lawyer.</p> <p>21 Q. And there was, then, an investigation 22 conducted; right?</p> <p>23 A. Yes.</p> <p>24 Q. And the results of that investigation is</p>	<p>1 A. Because I was tired of fighting the 2 fight.</p> <p>3 Q. Do you know Michele Vandegrift?</p> <p>4 A. No.</p> <p>5 Q. You have never met her before today?</p> <p>6 A. Nope.</p> <p>7 Q. Let me finish my question, okay, before 8 you answer.</p> <p>9 A. Sure.</p> <p>10 Q. Today is the first time that you have 11 met her?</p> <p>12 A. Yes.</p> <p>13 Q. Is today the first time that you have 14 met with her counsel?</p> <p>15 A. Yes.</p> <p>16 Q. Did you seek out counsel or did counsel 17 approach you with a subpoena for this 18 deposition?</p> <p>19 A. I sought counsel.</p> <p>20 Q. I should ask the question a better way.</p> <p>21 Did you reach out to Mr. Console or 22 his colleagues or did Mr. Console reach out to 23 you?</p> <p>24 A. I'm sorry, say that again?</p>

	Page 17		Page 19
<p>1 Q. Yes. For this deposition --</p> <p>2 A. Yes.</p> <p>3 Q. -- did Mr. Console reach out to you</p> <p>4 first or did you contact Mr. Console or any of</p> <p>5 his associates?</p> <p>6 A. Mr. Console reached out to me.</p> <p>7 Q. Through the subpoena or was there</p> <p>8 another method?</p> <p>9 A. Through the subpoena.</p> <p>10 Q. There are newspaper articles about the</p> <p>11 allegations that you made against Inspector</p> <p>12 Holmes.</p> <p>13 Did you seek out the press or did</p> <p>14 they come to you to ask you about it?</p> <p>15 A. They came to me.</p> <p>16 Q. Do you know how they got their</p> <p>17 information?</p> <p>18 A. No.</p> <p>19 Q. How long did you remain at East Task</p> <p>20 Force after this incident?</p> <p>21 A. September of my -- when I was injured.</p> <p>22 Q. And what year was that?</p> <p>23 A. The same year, 2006.</p> <p>24 Q. You said that on the night of the</p>		<p>1 Holmes?</p> <p>2 A. Yes.</p> <p>3 Q. When did you have to work with him?</p> <p>4 A. When I was -- the date of the</p> <p>5 reassignment after the recertification. I don't</p> <p>6 remember the actual dates.</p> <p>7 Q. How long were you at the police academy</p> <p>8 for recertification?</p> <p>9 A. A few months.</p> <p>10 Q. So when the two of you had to work</p> <p>11 together again, how often did you have to see</p> <p>12 him on a daily basis?</p> <p>13 A. Once a day.</p> <p>14 Q. What was your interaction with him like?</p> <p>15 A. I wouldn't go near him.</p> <p>16 Q. I just have a couple more questions for</p> <p>17 you.</p> <p>18 When you were first at the academy</p> <p>19 in 2001, did you receive training on, at that</p> <p>20 time it would have been Directive 97,</p> <p>21 discrimination, harassment?</p> <p>22 A. Most likely.</p> <p>23 Q. Were you aware then of the police</p> <p>24 department's complaint procedure?</p>	
	Page 18		Page 20
<p>1 incident it was a send-off for Inspector Holmes;</p> <p>2 is that correct?</p> <p>3 A. Yes.</p> <p>4 Q. How long was he away?</p> <p>5 A. Three months.</p> <p>6 Q. So would it be fair to say he came back</p> <p>7 in April of 2006?</p> <p>8 A. I don't remember.</p> <p>9 Q. When he returned, how often did you have</p> <p>10 to interact with him at work?</p> <p>11 A. I was not there when he returned.</p> <p>12 Q. Where were you?</p> <p>13 A. I was reassigned to the police academy.</p> <p>14 Q. What did you do at the police academy?</p> <p>15 A. I had to go through the police academy</p> <p>16 because I was decertified.</p> <p>17 Q. When were you decertified?</p> <p>18 A. The actual date I don't remember.</p> <p>19 Q. Why were you decertified?</p> <p>20 A. I don't know.</p> <p>21 Q. No one ever told you why?</p> <p>22 A. No.</p> <p>23 Q. So after the incident on January 6th,</p> <p>24 2006, did you ever have to work with Inspector</p>		<p>1 A. No.</p> <p>2 Q. Were you aware of it after you graduated</p> <p>3 from the academy?</p> <p>4 A. In regards to police officers</p> <p>5 complaining?</p> <p>6 Q. Yes.</p> <p>7 A. No.</p> <p>8 Q. Is there a reason for that?</p> <p>9 A. No reason.</p> <p>10 Q. At some point did you become aware of</p> <p>11 the police department's policy regarding the</p> <p>12 filing of complaints by police officers?</p> <p>13 A. No.</p> <p>14 Q. Did you ever become aware of it during</p> <p>15 the course of your litigation?</p> <p>16 A. Nope.</p> <p>17 Q. When you were at the police department,</p> <p>18 did you file a complaint with EEO, the police</p> <p>19 department's EEO unit?</p> <p>20 A. Yes.</p> <p>21 Q. How did you know how to go there?</p> <p>22 A. It was -- it's one of the steps in</p> <p>23 regards to filing complaints. I was told to do</p> <p>24 it through internal affairs when I filed the</p>	

<p style="text-align: right;">Page 21</p> <p>1 first complaint with them.</p> <p>2 Q. So you first went to internal affairs to</p> <p>3 file your complaint?</p> <p>4 A. Yes.</p> <p>5 Q. And someone at internal affairs told you</p> <p>6 to file it with their EEO unit?</p> <p>7 A. Yes.</p> <p>8 Q. Did they provide you a copy of that</p> <p>9 policy that tells you the steps to file a</p> <p>10 complaint?</p> <p>11 A. No.</p> <p>12 Q. When did you leave the police</p> <p>13 department?</p> <p>14 A. 2012.</p> <p>15 Q. What was the reason for your separation?</p> <p>16 A. I was fired.</p> <p>17 Q. What was the reason given?</p> <p>18 A. I ran my time out.</p> <p>19 Q. So was it failure to return from a leave</p> <p>20 of absence?</p> <p>21 A. Failure to return from a leave of</p> <p>22 absence.</p> <p>23 Q. This was following an injury on duty?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 23</p> <p>1 A. No, ma'am.</p> <p>2 Q. Do you know of anyone who has alleged</p> <p>3 that Inspector Holmes harassed them, other than</p> <p>4 Miss Vandegrift?</p> <p>5 A. No.</p> <p>6 Q. Excuse me. Detective Vandegrift.</p> <p>7 MS. MORRIS: Thank you very much.</p> <p>8 THE WITNESS: You are welcome.</p> <p>9 MR. CONSOLE: Thank you. No further</p> <p>10 questions.</p> <p>11 COURT REPORTER: Counsel, do you</p> <p>12 want to read and sign?</p> <p>13 MR. MARRONE: Yes. Thank you.</p> <p>14 (Witness excused.)</p> <p>15 - - -</p> <p>16 (The deposition concluded at</p> <p>17 2:33 p.m.)</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>																																																																								
<p style="text-align: right;">Page 22</p> <p>1 Q. Have you ever spoken with any other</p> <p>2 current or former employees of the police</p> <p>3 department that were harassed by Inspector</p> <p>4 Holmes?</p> <p>5 MR. CONSOLE: Other than Detective</p> <p>6 Vandegrift?</p> <p>7 MS. MORRIS: Well, she said she</p> <p>8 never met her before today.</p> <p>9 MR. CONSOLE: Yes, she said she met</p> <p>10 her today. So your question is other than</p> <p>11 Detective Vandegrift has she spoken to anyone?</p> <p>12 MS. MORRIS: Yes.</p> <p>13 MR. CONSOLE: I just want to make</p> <p>14 sure.</p> <p>15 MS. MORRIS: It is not including</p> <p>16 Detective Vandegrift because she said she just</p> <p>17 met her today.</p> <p>18 MR. CONSOLE: I just want to make</p> <p>19 sure we are on the same page.</p> <p>20 BY MS. MORRIS:</p> <p>21 Q. Prior to today, have you spoken with</p> <p>22 anyone, either a current or former member of the</p> <p>23 police department who was sexually harassed by</p> <p>24 Inspector Holmes?</p>	<p style="text-align: right;">Page 24</p> <table> <thead> <tr> <th style="text-align: left;">1</th> <th style="text-align: center;">I N D E X</th> <th></th> </tr> <tr> <th style="text-align: left;">2</th> <th style="text-align: left;">DEPONENT: CHRISTA HAYBURN</th> <th style="text-align: right;">PAGE</th> </tr> </thead> <tbody> <tr> <td style="text-align: left;">3</td> <td style="text-align: left;">Examination by Mr. Console</td> <td style="text-align: right;">3</td> </tr> <tr> <td style="text-align: left;">4</td> <td style="text-align: left;">Examination by Ms. Morris</td> <td style="text-align: right;">15</td> </tr> <tr> <td colspan="3" style="text-align: center;">5 E X H I B I T S</td> </tr> <tr> <td style="text-align: left;">6</td> <td style="text-align: left;">HAYBURN DEPOSITION EXHIBITS</td> <td style="text-align: right;">MARKED</td> </tr> <tr> <td style="text-align: left;">7</td> <td colspan="2" style="text-align: left;">(There were no exhibits marked for identification.)</td> </tr> <tr> <td style="text-align: left;">8</td> <td colspan="2"></td> </tr> <tr> <td style="text-align: left;">9</td> <td colspan="2"></td> </tr> <tr> <td style="text-align: left;">10</td> <td colspan="2"></td> </tr> <tr> <td style="text-align: left;">11</td> <td colspan="2"></td> </tr> <tr> <td style="text-align: left;">12</td> <td colspan="2"></td> </tr> <tr> <td style="text-align: left;">13</td> <td colspan="2"></td> </tr> <tr> <td style="text-align: left;">14</td> <td colspan="2"></td> </tr> <tr> <td style="text-align: left;">15</td> <td colspan="2"></td> </tr> <tr> <td style="text-align: left;">16</td> <td colspan="2"></td> </tr> <tr> <td style="text-align: left;">17</td> <td colspan="2"></td> </tr> <tr> <td style="text-align: left;">18</td> <td colspan="2"></td> </tr> <tr> <td style="text-align: left;">19</td> <td colspan="2"></td> </tr> <tr> <td style="text-align: left;">20</td> <td colspan="2"></td> </tr> <tr> <td style="text-align: left;">21</td> <td colspan="2"></td> </tr> <tr> <td style="text-align: left;">22</td> <td colspan="2"></td> </tr> <tr> <td style="text-align: left;">23</td> <td colspan="2"></td> </tr> <tr> <td style="text-align: left;">24</td> <td colspan="2"></td> </tr> </tbody> </table>	1	I N D E X		2	DEPONENT: CHRISTA HAYBURN	PAGE	3	Examination by Mr. Console	3	4	Examination by Ms. Morris	15	5 E X H I B I T S			6	HAYBURN DEPOSITION EXHIBITS	MARKED	7	(There were no exhibits marked for identification.)		8			9			10			11			12			13			14			15			16			17			18			19			20			21			22			23			24		
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3
4 I HEREBY CERTIFY that the
5 proceedings, evidence and objections are
6 contained fully and accurately in the
7 stenographic notes taken by me upon the
8 foregoing matter on Monday, November 21, 2016,
9 and that this is a true and correct transcript
10 of same.

11
12
13
14
15 *Terry B. Burke*
16 Terry Barbano Burke, RMR-CRR

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23 the certifying reporter.)

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DISTRICT ATTORNEY'S OFFICE
3 South Penn Square
Philadelphia, Pennsylvania 19107
215-686-8000

LYNNE ABRAHAM
DISTRICT ATTORNEY

MEMORANDUM

March 26, 2008

TO: Lt. Martin # 367
Internal Affairs Division

FROM: Deborah Harley Tierney, Chief
Family Violence & Sexual Assault Unit
215-686-8080

SUBJECT: IAD# 08-1028
Allegations against Inspector Carl Holmes

Based on my review of the information received by this office to date in the above referenced case, this office does not presently intend to pursue criminal charges against Inspector Carl Holmes.

Deborah Harley Tierney
DEBORAH HARLEY TIERNEY
Chief Assistant District Attorney
Family Violence & Sexual Assault Unit

Michele Vandegrift v. City of Philadelphia
Michele Vandegrift

1 (Pages 1 to 4)

<p>IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA</p> <p>---</p> <p>MICHELE VANDEGRIFT, : Plaintiff, : Civil Action vs. : No. 2:16-cv-02999-MAK</p> <p>CITY OF PHILADELPHIA, : Defendant. : --- THURSDAY, NOVEMBER 10, 2016 ---</p> <p>Oral Videotape Deposition of MICHELE VANDEGRIFT, taken pursuant to Notice, at the City of Philadelphia Law Department, One Parkway Building, 1515 Arch Street, Philadelphia, Pennsylvania, at approximately 10:49 a.m., before Catherine T. McLaughlin, RPR, CCR and Notary Public. ---</p> <p>CLASS ACT REPORTING, LLC 2149 South 3rd Street 133 H Gaither Drive Philadelphia, PA 19148 Suite H (215) 928-9760 Mount Laurel, NJ 08054 www.classactreporting.com (856) 235-5108 classact@classactreporting.com</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">3</p> <p style="text-align: center;">I N D E X</p> <table border="0"> <thead> <tr> <th style="text-align: left;">WITNESS:</th> <th style="text-align: right;">PAGE</th> </tr> </thead> <tbody> <tr> <td style="text-align: left;">MICHELE VANDEGRIFT</td> <td style="text-align: right;">6</td> </tr> <tr> <td style="text-align: left;">BY MS. MORRIS</td> <td style="text-align: right;">6</td> </tr> </tbody> </table> <p style="text-align: center;">E X H I B I T S</p> <table border="0"> <thead> <tr> <th style="text-align: left;">No.</th> <th style="text-align: left;">Description</th> <th style="text-align: right;">Page</th> </tr> </thead> <tbody> <tr> <td>V-1</td> <td>Application for Transfer of Michele Lauf, dated 03/11/2007, one page</td> <td style="text-align: right;">34</td> </tr> <tr> <td>V-2</td> <td>EEO complaint and attachments of August 2014, consisting of ten pages</td> <td style="text-align: right;">131</td> </tr> <tr> <td>V-3</td> <td>EAP documentation of 8-25-14, consisting of five pages</td> <td style="text-align: right;">167</td> </tr> <tr> <td>V-4</td> <td>Follow-Up document dated 9-8-12, City1007</td> <td style="text-align: right;">173</td> </tr> <tr> <td>V-5</td> <td>EAP documentation with top page dated 1-2-14, consisting of six pages</td> <td style="text-align: right;">176</td> </tr> <tr> <td>V-6</td> <td>Redacted U.S. EEOC Intake Questionnaire, consisting of four pages</td> <td style="text-align: right;">185</td> </tr> </tbody> </table> <p style="text-align: right;">4</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	WITNESS:	PAGE	MICHELE VANDEGRIFT	6	BY MS. MORRIS	6	No.	Description	Page	V-1	Application for Transfer of Michele Lauf, dated 03/11/2007, one page	34	V-2	EEO complaint and attachments of August 2014, consisting of ten pages	131	V-3	EAP documentation of 8-25-14, consisting of five pages	167	V-4	Follow-Up document dated 9-8-12, City1007	173	V-5	EAP documentation with top page dated 1-2-14, consisting of six pages	176	V-6	Redacted U.S. EEOC Intake Questionnaire, consisting of four pages	185
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<p>1 APPEARANCES: 2 CAREN N. GURMANKIN, ESQUIRE 3 EMILY R. DERSTINE FRIESEN, ESQUIRE 4 Of Console Law Offices LLC 5 1525 Locust Street 6 Ninth Floor 7 Philadelphia, Pennsylvania 19102 8 (215) 545-7676 9 gurmankin@consolelaw.com 10 Counsel for Plaintiff 11 12 NICOLE S. MORRIS, CHIEF DEPUTY CITY SOLICITOR 13 KIA GHEE, ASSISTANT CITY SOLICITOR 14 City of Philadelphia Law Department 15 Labor and Employment Unit 16 1515 Arch Street 17 16th Floor 18 Philadelphia, Pennsylvania 19102 19 (215) 683-5075 20 nicole.morris@phila.gov 21 Counsel for Defendant 22 23 ALSO PRESENT: 24 Ron Sherr, Videographer</p>	<p>2</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <p>THE VIDEOGRAPHER: This is a videotape deposition of Michele Vandegrift taken by Nicole S. Morris, Esquire, in the matter of Michele Vandegrift versus the City of Philadelphia in the U.S. District Court, Eastern District of Pennsylvania, 2:16-cv-02999.</p> <p>This deposition is being held at 1515 Arch Street, Philadelphia, Pennsylvania, on November 20th, 2016. My name is Ron Sherr from the firm of Class Act Reporting, with offices in Philadelphia and Mount Laurel. I'm the videographer. The court reporter is Cathy McLaughlin, also from Class Act Reporting.</p> <p>We're going on the video record.</p> <p>MS. MORRIS: Ron, you have the date wrong.</p> <p>THE VIDEOGRAPHER: It's the 11th?</p> <p>MS. MORRIS: It's the 10th.</p> <p>THE VIDEOGRAPHER: Oh, is today the 10th?</p>																											

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2 (Pages 5 to 8)

<p>1 MS. MORRIS: You said the 2 20th.</p> <p>3 THE VIDEOGRAPHER: Oh, 4 November -- sorry, November 10th. I wrote 5 November 10th. I can't read. Yeah, sorry, 6 November 20th -- 10th, sorry. But it says 7 it on the video.</p> <p>8 We're going on the video 9 record at 10:49 a.m. Counsel will now 10 please state their appearances for the 11 record.</p> <p>12 MS. MORRIS: Nicole Morris 13 for the City of Philadelphia.</p> <p>14 MS. GHEE: Kia Ghee for the 15 City of Philadelphia.</p> <p>16 MS. GURMANKIN: Caren 17 Gurmankin of Console Law Offices for the 18 plaintiff.</p> <p>19 Emily Derstine Friesen, 20 Console Law Offices.</p> <p>21 THE VIDEOGRAPHER: Okay. The 22 court reporter will now please swear in the 23 witness.</p> <p>24 - - -</p>	<p>5</p> <p>1 If at any time you don't understand 2 my question, please let me know and I'll 3 rephrase the question. If you need a break 4 at some point you're welcome to take a 5 break, just let me know. But I ask that you 6 answer the question that's pending that's on 7 the table first, and then you could take a 8 break.</p> <p>9 A. Sure.</p> <p>10 Q. Okay? If you don't remember an 11 answer to a question, that's okay. Just 12 tell me, I don't remember. I don't want you 13 to guess. I'll try to ask it a different 14 way to help, um, help you jog your memory, 15 but let me know if you don't -- if you don't 16 remember or if you don't know or if you were 17 to answer you would be guessing. Okay?</p> <p>18 A. Okay.</p> <p>19 Q. All your answers need to be verbal. 20 I see that you're nodding your head. Don't 21 forget to, as you're nodding your head, also 22 respond with a yes or no. Okay?</p> <p>23 A. Okay.</p> <p>24 Q. And at some times I might ask you</p>
<p>1 MICHELE VANDEGRIFT, having been duly 2 sworn or affirmed, was examined and 3 testified as follows:</p> <p>4 - - -</p> <p>5 THE VIDEOGRAPHER: We may 6 proceed.</p> <p>7 - - -</p> <p>8 EXAMINATION</p> <p>9 - - -</p> <p>10 BY MS. MORRIS:</p> <p>11 Q. Thank you. Good morning. How are 12 you?</p> <p>13 A. Good morning.</p> <p>14 Q. My name is Nicole Morris. We met 15 at a previous deposition. I'm going to be 16 taking your deposition today.</p> <p>17 A deposition is a situation in 18 which I ask you questions and you provide 19 answers to those questions. We need to do a 20 good job of making sure each of us finish 21 our responses before the next one talks 22 because, as you are aware, there is a court 23 reporter taking down what we say, and the 24 videographer is also capturing what we say.</p>	<p>6</p> <p>1 or the court reporter might ask you to raise 2 your voice so that she can hear you, okay?</p> <p>3 A. Sure.</p> <p>4 Q. When I ask you a question and you 5 answer it, it's my assumption that you 6 understood the question fully, okay?</p> <p>7 A. Yes.</p> <p>8 Q. If you feel that you need to 9 supplement an answer at some point, you can 10 do that at any point during the deposition.</p> <p>11 A. Okay.</p> <p>12 Q. Just say, once you finish answering 13 the question that's pending, say, oh, I 14 remember an answer to the question that you 15 asked me five minutes ago about this topic, 16 and provide me with the rest of the answer.</p> <p>17 A. Okay.</p> <p>18 Q. It doesn't matter that it doesn't 19 necessarily flow chronologically, okay?</p> <p>20 A. Okay.</p> <p>21 Q. And I expect that your answers are 22 full and complete, okay?</p> <p>23 A. Okay.</p> <p>24 Q. Are you taking any medication today</p>

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<p>1 that might affect your ability to answer my 2 questions?</p> <p>3 A. No.</p> <p>4 Q. Are you taking any medications that 5 might affect your ability to tell the truth?</p> <p>6 A. No.</p> <p>7 Q. Is there anything, any reason that 8 you can think of that you wouldn't be able 9 to answer my questions fully and honestly 10 today?</p> <p>11 A. No.</p> <p>12 Q. Okay, great. I'm go to start by 13 asking you some questions about your 14 preparation for today's deposition.</p> <p>15 What did you do in preparation for 16 today's deposition?</p> <p>17 A. I read over my complaints. I 18 looked over the interviews.</p> <p>19 Q. Okay. And did you meet with your 20 attorney to do that?</p> <p>21 MS. GURMANKIN: Objection to 22 the form. You can answer.</p> <p>23 THE WITNESS: No. A lot of 24 it was home prep.</p>	<p>9</p> <p>1 Q. Okay. Have you discussed this 2 particular case with anybody other than your 3 attorneys?</p> <p>4 A. Yes.</p> <p>5 Q. With whom have you discussed it?</p> <p>6 A. My father, Thomas Lauf; my mother, 7 Denise Lauf. I discussed it with medical 8 doctor, Dr. DeRusso. I discussed it with my 9 psychiatrist, Dr. Lief, L-I-E-F; of course, 10 my husband, William Vandegrift. I've 11 discussed it with my cousin, Jimmy Lauf. 12 I've discussed it with my cousin's 13 girlfriend, Colleen Feely. That's all I can 14 remember at this time.</p> <p>15 Q. Okay. Did you keep, or have you 16 kept --</p> <p>17 A. I'm sorry, is this mine? Okay, 18 thanks.</p> <p>19 Q. Have you kept a diary about any of 20 the instances mentioned in your complaints?</p> <p>21 A. There was no -- I'm sorry. Oh, I'm 22 sorry.</p> <p>23 THE VIDEOGRAPHER: Thank you. 24 THE WITNESS: There was no</p>
<p>1 BY MS. MORRIS:</p> <p>2 Q. So you prepped by yourself. Did 3 you also meet at some point with your 4 attorneys?</p> <p>5 A. Yes.</p> <p>6 Q. For how long would you say that you 7 met with your attorneys?</p> <p>8 A. How many times?</p> <p>9 Q. How many times and what was the, 10 the length of the meetings?</p> <p>11 A. I'm sorry, I can't think offhand 12 exactly how many times I've seen them.</p> <p>13 Q. Was it more than one?</p> <p>14 A. Yes.</p> <p>15 Q. Was it more than five?</p> <p>16 A. I'd have to say possibly, not more 17 than five.</p> <p>18 Q. Not once, between one and five 19 times?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And each time you met with 22 them, about how long did you meet with them?</p> <p>23 A. It depends. An hour, about an 24 hour.</p>	<p>10</p> <p>12</p> <p>1 diary, per se. Everything that I documented 2 would be on my computer or phone. It was 3 not in some book.</p> <p>4 BY MS. MORRIS:</p> <p>5 Q. Okay.</p> <p>6 A. Or anything.</p> <p>7 Q. Did you take notes on your 8 computer?</p> <p>9 MS. GURMANKIN: Objection to 10 form.</p> <p>11 THE WITNESS: Can you 12 rephrase it?</p> <p>13 BY MS. MORRIS:</p> <p>14 Q. Sure. You said that anything that 15 you had may have been on your computer. 16 How? In what manner would it be on your 17 computer?</p> <p>18 A. Basically, like a Word document. 19 You just type thoughts out, feelings, things 20 of that nature.</p> <p>21 Q. And have you provided that 22 information to your attorney?</p> <p>23 A. Absolutely, yes.</p> <p>24 Q. Okay. Now, you mentioned that you</p>

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4 (Pages 13 to 16)

	13		15
1	spoke with your cousin, Jimmy Lauf. Is he a	1	you entered the police academy?
2	member of the police department?	2	A. I was 21.
3	A. No.	3	Q. Okay. What did you do between your
4	Q. Is his girlfriend, Colleen Feely, a	4	first job hostessing and the police academy?
5	member of the police department?	5	A. After I was a hostess, I became a
6	A. No.	6	waitress. Did that for a little while. And
7	Q. Pardon me, I'm sorry. I have a	7	then I became a bartender. I did that for a
8	cold.	8	little while. And I was like, I need to
9	A. It's okay.	9	find something more stable that will give me
10	Q. Okay. Let me ask you, you	10	independence, something that will support
11	mentioned you spoke with your husband. How	11	me, because those jobs weren't making the
12	long have you been married?	12	cut.
13	A. It will be ten years this March.	13	Q. What year did you enter the police
14	Q. Okay. So March of 2007 you were	14	academy?
15	married?	15	A. 2004?
16	A. Yes.	16	Q. And did you enter -- was that your
17	Q. Okay. And is this your first	17	first time you applied to the academy?
18	marriage?	18	A. Yes, it was. The test was
19	A. Yes.	19	somewhere early 2000, was the first time.
20	Q. Do you have any children?	20	Q. Were you then on a list, and then
21	A. Yes.	21	were --
22	Q. How many?	22	A. Yes.
23	A. Two.	23	Q. -- called in 2004?
24	Q. How old are they?	24	A. Yes.
	14		16
1	A. One and three.	1	Q. Okay. So you waited four years?
2	Q. And is your husband the father of	2	A. Well, I'm not sure if it was
3	both your children?	3	exactly 2000, but it did feel like a long
4	A. Yes.	4	time. It was at least two years.
5	Q. Your current address, with whom do	5	Q. Okay.
6	you live?	6	A. So...
7	A. With my husband and my two	7	Q. Other than working with the police
8	children.	8	department, have you held any other
9	Q. In terms of education, did you go	9	positions with the City of Philadelphia?
10	to high school?	10	A. Yes. I'm now a detective.
11	A. I have a G.E.D.	11	Q. Sorry, I should have asked it
12	Q. Okay.	12	better. Other than working for the police
13	A. And some college, but no college	13	department, have you worked for any other
14	degree.	14	city department?
15	Q. Okay. When you -- when did you	15	A. No.
16	start working at a full-time job?	16	Q. Okay. So you entered the academy
17	A. My first full-time job, I was a	17	in 2004. When did you graduate from the
18	hostess at Steak and Ale restaurant that	18	academy?
19	used to be on the boulevard, but now I	19	A. December 2004.
20	believe it's Al's -- Al's Diner.	20	Q. Okay. And what was your rank then?
21	Q. And when was that, do you remember?	21	A. Police officer.
22	A. Uh, I had to be 16 or 17 at the	22	Q. Where were you assigned?
23	time.	23	A. The 24th District.
24	Q. Okay. And how old were you when	24	Q. And what were your responsibilities

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5 (Pages 17 to 20)

<p>1 in the 24th District?</p> <p>2 A. Mainly answering voice calls, 3 disturbances, domestics, disturb -- 4 disturbance of crowds, investigations, 5 investigations of narcotics, investigation 6 of pedestrians.</p> <p>7 Q. Were you on patrol or were you 8 assigned inside the, the district?</p> <p>9 A. Both.</p> <p>10 Q. Okay. In order to do 11 investigations and, and patrol, where did 12 you learn the skills to do those things?</p> <p>13 A. I would say in the academy, and 14 then you're expected to learn as you go 15 along, even though they don't have a 16 training field officer.</p> <p>17 Q. So you learn some things on the 18 jobs?</p> <p>19 A. Some things need to be changed.</p> <p>20 Q. Sorry, I didn't mean to talk...</p> <p>21 A. Oh, that's okay. No, it's 22 something that needs to be changed because 23 the police academy pretty much basically 24 just goes over how not to get sued, and not</p>	<p>17</p> <p>1 probable cause?</p> <p>2 MS. GURMANKIN: Objection to 3 form.</p> <p>4 THE WITNESS: Facts of which 5 you have that's reasonable in order to 6 arrest someone, say.</p> <p>7 BY MS. MORRIS:</p> <p>8 Q. Do you need probable cause or 9 reasonable suspicion to make an arrest?</p> <p>10 MS. GURMANKIN: Objection to 11 form.</p> <p>12 THE WITNESS: You need 13 probable cause, yes.</p> <p>14 BY MS. MORRIS:</p> <p>15 Q. Were you provided with directives 16 when you were in the academy?</p> <p>17 A. Yes.</p> <p>18 Q. Were there directives on how to 19 report things like discrimination and 20 harassment?</p> <p>21 A. There are things in the directive, 22 but they didn't focus on that.</p> <p>23 Q. Okay. You're not familiar with 24 directive nine -- what was formerly known as</p>
<p>1 real life to life circumstances.</p> <p>2 Q. Okay. When you were at the police 3 academy, what were the topics of training 4 that you learned?</p> <p>5 A. Some topics of law, procedures on 6 how to stop a vehicle, how to understand the 7 police radio, the functions of the MDT, 8 that's a computer that they put in the 9 police car.</p> <p>10 Q. Did you learn investigative 11 procedures?</p> <p>12 A. As far as first responders go, yes. 13 It's more preliminary. They don't really 14 get into deep investigations with recruits.</p> <p>15 Q. Did you learn how to write reports?</p> <p>16 A. Yes.</p> <p>17 Q. Did you learn how to investigate an 18 accident?</p> <p>19 A. Yes.</p> <p>20 Q. Did you learn how to determine -- 21 did you learn the difference between 22 probable cause and reasonable suspicion?</p> <p>23 A. A little bit.</p> <p>24 Q. What's your understanding of</p>	<p>18</p> <p>1 Directive 97 regarding discrimination and 2 harassment within the police department?</p> <p>3 A. I --</p> <p>4 MS. GURMANKIN: Are you 5 asking generally now? You asked 6 before about what they gave her in the 7 academy. I just want to be make we're on 8 the right time code.</p> <p>9 MS. MORRIS: What's your 10 objection?</p> <p>11 MS. GURMANKIN: Are you 12 asking her generally if she's aware of that?</p> <p>13 MS. MORRIS: She started to 14 answer the question, so I, I assume that 15 means she understands. If she doesn't 16 understand, she can tell me that.</p> <p>17 MS. GURMANKIN: I want to 18 make sure we're clear on the record. Are we 19 still on the academy or asking generally if 20 she's aware of that directive?</p> <p>21 MS. MORRIS: You, you, Ms. 22 Vandegrift, Detective Vandegrift is 23 answering the question. You're 24 interrupting. That's not an appropriate</p>

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6 (Pages 21 to 24)

	21		23
1	objection. She asked the question -- if she	1	with, did you have to take a test, test your
2	wants to ask me that question, she can ask	2	knowledge on your understanding of those
3	that.	3	directives?
4	MS. GURMANKIN: That's not a	4	A. Not so much the directives, just
5	clear question. I'm going to object to the	5	lesson plans that they came up with.
6	form. If you understand it, you can answer,	6	Q. So the curriculum?
7	Michele.	7	A. Yes.
8	THE WITNESS: Okay. I am now	8	Q. Do you remember what your -- was
9	very familiar with Directive 97. All I can	9	your class ranked?
10	remember in the academy, I don't remember	10	A. As far as?
11	them going over Directive 97. I do remember	11	Q. Were the students in your academy
12	them showing videos of sexual harassment for	12	class ranked in terms of top of the class,
13	a block, and that was it.	13	bottom of the class?
14	BY MS. MORRIS:	14	A. Compared to, say, other classes in
15	Q. Okay. What about discrimination?	15	the past?
16	When you were in the academy did you learn	16	Q. No, just within your own class.
17	about when you were on patrol how to	17	A. We had a class valedictorian, and
18	identify or perhaps avoid allegations of, I	18	then we also within our class had somebody
19	guess avoid allegations of discrimination?	19	who was, who was at the top of the grade.
20	MS. GURMANKIN: Objection to	20	Q. Did each student --
21	form.	21	A. I actually almost made that, but
22	THE WITNESS: They would try	22	she beat me by like a point, so.
23	to teach us that, and give us advice. But	23	Q. Do you remember what your class
24	every situation is different, and it's much	24	rank was?
	22		24
1	different on the streets.	1	A. What do you mean, rank? I mean
2	BY MS. MORRIS:	2	everybody graduates, they don't give you a
3	Q. That's understood. I'm just asking	3	number that dictates exactly where you fall.
4	what training you were provided at the	4	Q. That was my question.
5	academy before you went out into the	5	A. Okay.
6	streets.	6	Q. Are people ranked? If there's say
7	How many people were in your	7	eight people in the class that actually
8	academy class?	8	graduate, are you all ranked between one
9	A. I'm not sure. The class was broken	9	through eight, so that you know where you
10	up in sections. I believe it was A, B and	10	are, where you fall in terms of your
11	C, platoon A, B, and C. And I think just	11	performance?
12	our class was 20 something, that particular	12	A. I don't recall being assigned a
13	platoon, or A Platoon, to 20 something. I	13	number, no.
14	don't recall how many graduated.	14	Q. Okay. When you were in the
15	Q. So there may have been four	15	academy, were you taught how to secure a
16	classes, platoons A, B, C, and D; is that	16	crime scene?
17	correct?	17	A. No. I actually had crime scene
18	A. May have.	18	training approximately two to three years
19	Q. Okay. And there could have been 20	19	after I graduated, and I actually have a
20	people in each class --	20	certificate at home that says that. So you
21	A. Yes.	21	have to be specifically trained in order
22	Q. -- but you're not sure? Okay.	22	to -- I'm sorry, could you repeat that
23	After you were provided with	23	question?
24	directives in the academy, were you provided	24	Q. Sure.

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7 (Pages 25 to 28)

	25		27
1 A. Because I think that I made the 2 mistake of answering something that I 3 thought you said. 4 Q. Okay. 5 A. And I don't mean to do that. 6 Q. I was just wondering if, while you 7 were at the academy, if that you were taught 8 how to secure a crime scene? 9 A. Okay. Yes. That would be 10 Directive 2. And we had a great sergeant, 11 and he said that that was one of the most 12 important directives to know. 13 Q. Okay. 14 A. But that's actually been quite 15 helpful. 16 Q. And then you answered a little bit 17 more. Is it true that a few years after the 18 academy that you had more in-depth training 19 in -- 20 A. Yes. 21 Q. -- securing a crime seen? 22 A. Yes. It was just crime scene 23 training in general, how to lift a print, 24 yeah, things of that nature.	1 A. Approximately, three years. 2 Q. Okay. What was your experience 3 like at the 24th? 4 MS. GURMANKIN: Objection to 5 form. 6 THE WITNESS: Can you 7 rephrase? 8 BY MS. MORRIS: 9 Q. Sure. Did you enjoy working at the 10 24th District? 11 A. No. 12 Q. Okay. Why not? 13 A. It was horrific. It's probably one 14 of the worst districts in the city. They 15 call it the badlands. It was extremely 16 stressful. There never seemed to be enough 17 cops. Every time you came out of roll call, 18 there would be 60 to 70 jobs pending. It 19 was chaotic. 20 Q. When you say jobs, do you mean 21 assignment? 22 MS. GURMANKIN: Have you, 23 have you finished your answer? 24 THE WITNESS: Yeah. Yes, I		
	26		28
1 Q. Okay. Were you taught in the 2 academy how to gather, protect, package 3 evidence? 4 A. Yes. 5 Q. Okay. So after the academy you 6 were assigned to the 24th District. Who was 7 your immediate supervisor at the 24th? 8 A. At the time, it was a white male, 9 and I don't recall his name. He wasn't 10 there long, until another male was promoted 11 and took his place, and his name was 12 Sergeant Austin Frazier. 13 Q. Okay. Who was your lieutenant? 14 A. I had two during the time in the 15 24th, Lieutenant Egenlauf and Lieutenant 16 McIlhenny. 17 Q. And who was the detective of the 18 24th? 19 A. Dave Mockus. 20 Q. Was he the captain for the entire 21 time you were at the 24th? 22 A. I believe he was. 23 Q. Excuse me. How long were you at 24 the 24th?	1 have, thank you. 2 BY MS. MORRIS: 3 Q. When you say jobs, do you mean 4 assignments? 5 A. Radio assignments, yes. 6 Q. Okay. Did you have any friends 7 that were working with you in the 24th 8 District? 9 A. Friends? I don't -- no. 10 Q. Anybody you socialized with outside 11 of work that was on -- 12 A. No. 13 Q. -- the police department? 14 A. No. 15 Q. Were your supervisors supportive of 16 you in the 24th District? 17 MS. GURMANKIN: Objection to 18 form. 19 THE WITNESS: My supervisors 20 were supportive as far as they could support 21 me in the environment that we worked. 22 BY MS. MORRIS: 23 Q. When did you leave the 24th 24 District?		

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	29		31
1	A. It was around September of 2007.	1	district.
2	Q. Okay. Why did you leave?	2	Q. Okay. Why did you -- did you
3	A. My brother was working in the 9th	3	consider transferring before you spent three
4	District, and he always used to brag about	4	years in the 24th?
5	how great it was to work there, just how	5	A. I did.
6	wonderful it was and the people were great,	6	Q. Okay.
7	and just how amazing downtown is.	7	A. If I could have transferred within
8	I thought that it would be a nice	8	the first two years, I would have done that.
9	change, a good learning experience, wanted	9	Q. Why couldn't you have?
10	to try it out. Even though I was born in	10	A. I believe there's a rule that you
11	Philadelphia, I really don't know much, too	11	have to work a certain amount of time.
12	much about downtown, so I found that	12	Don't quote me, because I'm not sure, but I
13	interesting to work.	13	think you have to work at least two years,
14	Q. What's your brother's name?	14	and even at two years you're kind of looked
15	A. Brian Lauf.	15	down upon if you transfer, so. Even then
16	Q. And when was your brother assigned	16	remarks were said like, oh, you can't handle
17	to the 9th District?	17	the 24th, you know, you just basically got
18	A. I'm not sure he originally was in	18	here, you know. So I waited as long as I
19	the 18th District, and then he went to the	19	possibly could.
20	26th District, and then Center City	20	Q. Do you know anybody else who tried
21	District, and then the 9th. So I don't know	21	to transfer from the 24th before three years
22	what the time was.	22	were up?
23	Q. When you left the 24th, though, he	23	A. Not that I can think of at this
24	was in the 9th district?	24	time. I don't remember. There was a guy
	30		32
1	A. Yes.	1	that got a swap. It's not necessarily a
2	Q. Were there any police directives or	2	transfer. I mean it is, but it's an
3	policies against family members working	3	agreement between two officers, and they
4	together?	4	swapped districts. But as far as anybody's
5	A. No.	5	transfer being approved, I don't recall.
6	Q. Were you both police officers at	6	Q. Why did you then answer that you,
7	the time?	7	you heard that people look down upon you if
8	A. Yes.	8	you try to transfer after only being in a
9	Q. So did you have to put in for a	9	particular district after a short period of
10	transfer?	10	time?
11	A. Yes.	11	A. I'm sorry, could you repeat it?
12	Q. When did you put in for the	12	Q. Mm-hmm. When I asked you why, if
13	transfer?	13	you had put in for or considered a transfer
14	A. I actually don't remember the date,	14	before three years, your response was, and,
15	but I do remember calling the transfer	15	of course, I'm summarizing was that you
16	review board, that's who it goes to, and	16	would be able to, but also that people tend
17	asking them if they had the transfer. And	17	to look at you to say, oh, you can't handle
18	they said they had, but they said the	18	working the 24th. Where did you get --
19	chances of me getting transferred were	19	where did you learn that?
20	extremely low because I was a three-year	20	A. Oh, just, just from being around my
21	officer and I ranked as, like, number 26	21	peers. When I was filling out the
22	compared to the other officers that should	22	paperwork, comments would be said, like,
23	have made it before me, in other words	23	Where do you want to go, Lauf, you know?
24	should have been transferred to that	24	You just got here, you can't handle this?

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9 (Pages 33 to 36)

	33		35
1 You know, so that's how I became aware of. 2 Q. Who said that to you? 3 A. I don't know. 4 Q. What is the process for putting in 5 for a transfer? 6 A. You first fill out a memo to your 7 captain. I think that you hand in, like, 8 information about yourself. I can't think 9 of the number of the report at this time. 10 But there's a directive on it and I followed 11 the guidelines as I was, you know, applying. 12 Q. Okay. So you said that you left, 13 you think, in September of 2007 you left the 14 24th to go to the 9th; is that correct? 15 A. Yes. 16 Q. Okay. How long did it take from 17 when you put in your transfer until you 18 actually got the transfer? 19 A. I don't know because I can't recall 20 when exactly I put the transfer in. 21 MS. MORRIS: Okay. Cathy, 22 how are you marking these? C-1? D-1? What 23 do you want to -- how do you want to mark 24 the exhibits?		1 say that I definitely typed this. 2 Q. Okay. But you provided the 3 information that appears on this form? 4 A. Yes. 5 Q. Okay. Well, who would have typed 6 it up? So, one of my questions is going to 7 be, who knew that you were filling out this 8 application for a transfer? 9 MS. GURMANKIN: Objection to 10 form. 11 THE WITNESS: Who would know? 12 Well, after I fill this out, my job would be 13 to give it to my sergeant. So, then, I 14 believe his job is to give it to the 15 lieutenant after it's approved, and then the 16 lieutenant would then give it to the 17 captain. And then after that I'm not, not 18 sure who gets it. 19 Q. Okay. So it goes through your 20 chain of command starting with your 21 sergeant, correct? 22 A. Yes. 23 Q. Okay. And did you -- the reason 24 for the request, the information that's	
	34		36
1 COURT REPORTER: V-1. 2 MS. MORRIS: V-1? Okay. 3 (Whereupon, Exhibit V-1 was 4 marked for identification.) 5 BY MS. MORRIS: 6 Q. I'm going to show you a document 7 I've marked as V-1. Do you recognize this 8 document? 9 A. Yes. 10 Q. What is it? 11 A. It's an application for transfer. 12 Q. Is it your application for? 13 A. Yes. 14 Q. When did you -- did you type, type 15 up the information on the top part? 16 A. I believe so. 17 Q. Okay. So it asks for your, your 18 name and your rank, your badge number, 19 payroll number. Did you type in that 20 information? 21 A. I may have and I may have not, 22 because there's people that work inside, and 23 if you're not working inside then they may 24 type it up for you. So, I can't officially	1 typed there, did you provide that 2 information? 3 A. Let me just read it. 4 Q. Mm-hmm. 5 A. Okay. 6 Q. Okay. Did you provide that 7 information? 8 A. I had help providing this 9 information. I was given advice that, 10 because I wasn't there that long, that I 11 don't want to offend the captain by saying 12 how rough it is to work in the 24th. So 13 they said if you could put something in 14 there that says something nice about this 15 district, that would be helpful, so. 16 The second sentence, "I've enjoyed 17 my three years at the 24th district but feel 18 that I could learn more by experiencing 19 another district," was to be polite. 20 "I believe my experiences at the 21 24th District have prepared me well to 22 succeed in any district." Maybe that 23 sentence has some truth to it, because, 24 excuse me, I experienced so much -- thank		

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10 (Pages 37 to 40)

	37		39
1 you. I'd experienced so much pain during 2 that time that even though it would have 3 been stronger to come out and speak about 4 what happened -- I'm sorry, excuse me. 5 MS. GURMANKIN: It's okay. 6 MS. MORRIS: Take your time. 7 THE WITNESS: I'm sorry. 8 MS. GURMANKIN: That's okay. 9 THE WITNESS: Yeah. I 10 believed that I was stronger because of what 11 I went through, when really I was weaker. 12 BY MS. MORRIS: 13 Q. Okay. I'm going to get into that 14 later. 15 A. Yeah. 16 Q. But I kind of want to go through 17 this form first. 18 A. Yeah. 19 Q. And then we'll come back to that. 20 But -- 21 A. Yeah. 22 Q. -- take your time. 23 A. No, I'll calm down. 24 Q. Do you need a break?		1 I don't know who that would be. 2 Q. Okay. Okay. There is a section, 3 it's right in the middle of the page, where 4 it talks about "Applicant's Performance - 5 Activity - Department," and there's a 6 section you could check off, "Police 7 Attitude, Excellent, Good," or, "Fair." 8 Did you check off the box there 9 that says "Excellent"? 10 A. I don't know. 11 Q. Okay. 12 A. Yeah. 13 Q. You don't know if you checked off 14 that box? 15 A. Yeah. 16 Q. How about the other boxes, do you 17 know if you checked them off or if 18 supervisors checked them off? 19 A. Yeah, this looks like this whole 20 section is the supervisor. I don't think 21 they would allow us to, you know, rate our 22 own performance. That wouldn't seem right. 23 I think this is actually out, you know, it 24 was updated for 2007, but I think the	
	38		40
1 A. No, I'm fine. I'll calm down. 2 Q. No, that's okay. 3 MS. GURMANKIN: It's okay. 4 BY MS. MORRIS: 5 Q. Detective, it looks like, is that 6 your signature on the top part? 7 A. Yes. 8 Q. Okay. And it the date is March 9 11th, 2007; is that correct? 10 A. Yes. 11 Q. Do you recognize the signatures 12 that are -- the other signatures that are on 13 the page? 14 A. Yes. It looks like Captain David 15 Mockus, and that would be Lieutenant 16 McIlhenny. 17 Q. Okay. Who had been divisional 18 commander? Or who was -- 19 A. Oh. 20 Q. -- the divisional commander at that 21 time? 22 A. Captain was the captain of the 24th 23 District. Oh, divisional commander. I'm 24 sorry. Because it looks like LT right here.	1 transfer paperwork looks different today. 2 Q. Okay. 3 A. So. 4 Q. So on this paperwork, is it fair to 5 say that you believe that you at least 6 provided the input for maybe like the top 7 third of the page? 8 A. Yes. 9 Q. And the rest of it was completed by 10 supervisors? 11 A. Yes. 12 Q. Okay. Thank you. Excuse me. 13 Okay. So when you went to the 9th 14 District were you still a police officer? 15 A. Yes. 16 Q. Okay. What was your assignment at 17 the 9th District? 18 A. I was assigned to 2 Squad, A Group. 19 Q. What's that mean? 20 A. It's, there's different squads in 21 every district. It's usually broken down to 22 1, 2, and 3 Squad, 3 Squad being, like, the 23 midnight shift, 1 and 2 Squad are the 24 rotating shifts. Two weeks we would work		

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<p>1 day work. Two weeks we work night shift, 2 which is like 4 to 12. And that's how 3 there's always coverage, you know, so.</p> <p>4 Q. So you were on -- in the 2 Squad A, 5 so that you worked rotating shifts of two 6 weeks day work and two weeks a shift of 4 to 7 12?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. What area of the city is 10 encompassed by the 9th District?</p> <p>11 A. It goes from Poplar Street, I 12 believe, to Lombard Street, and then Broad 13 Street to 30th Street, something like that.</p> <p>14 Q. Center City? Center City West?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And how, in terms of the 17 crime that you investigated or, or patrol, 18 how did it compare to the 24th District?</p> <p>19 A. I mean it just seemed like it 20 wasn't even the same job. I mean it was 21 like going -- coming from a war zone to, 22 like, the cops call it Hollywood. I mean 23 it's, like, it was mostly auto accidents. I 24 never did so many auto accidents. Um, yeah,</p>	<p>1 Q. Did you leave because you were 2 promoted to detective?</p> <p>3 A. Yes.</p> <p>4 Q. How many times had you sat for the 5 detective's exam?</p> <p>6 A. How many times... I'm sorry?</p> <p>7 Q. I'm sorry... did you sit for the 8 detective's exam?</p> <p>9 A. How long was the training?</p> <p>10 Q. How many times did you take -- did 11 you apply to be a detective?</p> <p>12 A. Oh. Twice. I took the test one 13 time when I was in the 24th, just to get an 14 idea of what the test was like, because I 15 had it in my mind that I wanted to be a 16 detective, because my father is a detective. 17 I just wanted a general idea, it wasn't a 18 serious -- I didn't think I would be 19 promoted off of that. And then the second 20 time I was promoted, so. So, twice.</p> <p>21 Q. Okay. What kind of training did 22 you receive to -- once you became a 23 detective?</p> <p>24 A. There was a lot of information that</p>
<p>1 that was all. It was a whole "nother" 2 world.</p> <p>3 Q. Okay. How long were you in the 9th 4 District?</p> <p>5 A. 2007... approximately four years.</p> <p>6 Q. So until 2011? Is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. Did you have a partner when you 9 were in the 9th District?</p> <p>10 A. I wouldn't say partner, but I 11 worked with some people, a good amount of 12 time, and then most of the time I was by 13 myself.</p> <p>14 Q. Okay. Were you assigned to a car 15 or a foot beat?</p> <p>16 A. Car.</p> <p>17 Q. In 2011, where did you -- where 18 were you assigned?</p> <p>19 A. I was in 2 Squad. I believe I was 20 in, still in 2A. Because at one point there 21 I was in 3 Squad, so, but, no, it was 2A 22 before I left.</p> <p>23 Q. Where did you go?</p> <p>24 A. To detective training.</p>	<p>1 they threw at us, and in a span of three 2 weeks. Whew. Oh, boy, I got to think, a 3 lot of stuff. They would talk about the 4 different units, such as Homicide, Special 5 Victims, Homeland Security. They went over 6 the reports, such as PIN reports, PARS 7 reports. That's all I can remember.</p> <p>8 Q. Okay.</p> <p>9 A. It was a lot of information.</p> <p>10 Q. Was the three-week training a 11 three-week intensive training, or were you 12 doing it, say, at night if you were working 13 during the day at the 9th District?</p> <p>14 A. Oh, no, it was, that's, we -- that 15 was as if we were at work, for three weeks. 16 It was 8 to 4, Monday through Friday, 17 weekends off for three straight weeks.</p> <p>18 Q. When you were finished with that 19 training, where were you assigned?</p> <p>20 A. I was assigned to South Detectives.</p> <p>21 Q. We'll have to share the tissue box.</p> <p>22 A. That's okay.</p> <p>23 Q. If you don't mind. Where is -- did 24 you say South Detectives Division?</p>

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<p>1 A. (Witness nods.)</p> <p>2 Q. Where is that located?</p> <p>3 A. 24th and Wolf.</p> <p>4 Q. Okay. Before we get to that part.</p> <p>5 Let's talk a little more about the 9th</p> <p>6 District.</p> <p>7 Were there people who were assigned</p> <p>8 to the police department that you socialized</p> <p>9 with outside work at the 9th District?</p> <p>10 (Coughing.) Excuse me.</p> <p>11 A. Sometimes I would go out with Gail</p> <p>12 Hawthorne, was her name. Actually, it might</p> <p>13 still be Gail Hawthorne, because she</p> <p>14 recently got divorced and got her last name</p> <p>15 back.</p> <p>16 Q. Anyone else? Excuse me.</p> <p>17 A. No.</p> <p>18 Q. How about while you were at work?</p> <p>19 Did you have work friends?</p> <p>20 A. I wouldn't necessarily call them</p> <p>21 work friends, it's just, more or less, peers</p> <p>22 I tolerated. We got together, not often.</p> <p>23 Q. Excuse me.</p> <p>24 A. I don't, I don't really like the</p>	<p>45</p> <p>1 Q. (Coughing.) Excuse me. How about</p> <p>2 parties? Did you go to any holiday parties</p> <p>3 at the time you were assigned to the 9th</p> <p>4 District with your colleagues?</p> <p>5 A. Yes. There was a party, where was</p> <p>6 that, it was on Walnut Street, close to like</p> <p>7 20th and Walnut. I forget what the place</p> <p>8 was called. I remember attending a</p> <p>9 Christmas party. I was on last out at that</p> <p>10 time. And it wasn't great because we had to</p> <p>11 go back to work afterward, so it was like,</p> <p>12 you know, show up, show your face, maybe eat</p> <p>13 something, can't drink. It was that time.</p> <p>14 And then there was two parties while I was</p> <p>15 in training at the detectives', where I went</p> <p>16 back to the 9th. One was --</p> <p>17 Q. (Coughing.) Excuse me.</p> <p>18 A. -- a celebration of a captain who</p> <p>19 was retiring, I believe. And it was like a</p> <p>20 retirement/Christmas party. And then there</p> <p>21 was the promotional party, because there was</p> <p>22 people from the 9th that made detective with</p> <p>23 me, and also at that time they promoted</p> <p>24 sergeants who were also at the training</p>
<p>1 bar scene. I'd rather drink at home and</p> <p>2 relax. So I only went out with them when</p> <p>3 they just wouldn't stop asking me to go, and</p> <p>4 it felt like if I don't go, then I'm going</p> <p>5 to look like a snob, or something like that,</p> <p>6 so, a handful of times.</p> <p>7 Q. Where would you go?</p> <p>8 A. There was a place across the street</p> <p>9 from the district. I forget what it was</p> <p>10 called. I think it's called The Pub, or</p> <p>11 something. I'm just trying to remember any</p> <p>12 other places that we went to.</p> <p>13 Q. Excuse me.</p> <p>14 A. I think there was a bar at the Best</p> <p>15 Western. I don't really know, but wherever</p> <p>16 we went it was like, you know, right outside</p> <p>17 the district.</p> <p>18 Q. Close, close to the office?</p> <p>19 A. Right.</p> <p>20 Q. Okay. So, you said a handful of</p> <p>21 times. Do you think at most maybe five</p> <p>22 times you went out with co-workers after</p> <p>23 work for drinks?</p> <p>24 A. Yes, it's fair to say.</p>	<p>46</p> <p>1 building with us. So it was like</p> <p>2 everybody's promotional party.</p> <p>3 Q. So it included your promotion, is</p> <p>4 that correct?</p> <p>5 A. Right.</p> <p>6 Q. Does the 9th District share space</p> <p>7 with Central Detectives?</p> <p>8 A. Yes.</p> <p>9 Q. Did you interact at all with the</p> <p>10 Central Detectives?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. So there were a handful of</p> <p>13 times where you went out after work with</p> <p>14 co-workers, there was at least one Christmas</p> <p>15 party, and then a few parties to celebrate</p> <p>16 colleagues' promotions or retirements; is</p> <p>17 that fair?</p> <p>18 A. Yes.</p> <p>19 Q. Let me jump back a little bit to</p> <p>20 the 24th and ask you the same questions with</p> <p>21 respect to the 24th. Were there times where</p> <p>22 you went out for drinks with people from the</p> <p>23 24th?</p> <p>24 A. Yes.</p>

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<p>1 Q. How often do you think that 2 occurred?</p> <p>3 A. I'm remembering that place on 4 Frankford Avenue near the dining car. I 5 forget. Rosewood Caterers. It was like a 6 really dressed-up event. But I think they 7 were honoring somebody actually from 8 Northeast Detectives, and my dad was going 9 to be there, so I wanted to be there, but 10 then a lot of people from East Division were 11 also there.</p> <p>12 As far as going out with my peers, 13 about three times. We would go right after 14 work, and it was gross because it was 15 morning time. I mean you were up all night, 16 anyway, so it didn't matter. But after all 17 the stress of the night, who wouldn't enjoy 18 a beer or two, you know, it's -- it was like 19 a bad sort of therapy, I guess, that's 20 what -- for so many of us that are 21 alcoholics. But, anyway, I'm rambling.</p> <p>22 Q. You said you were up all night. 23 What did you mean, like the last out?</p> <p>24 A. Yes.</p>	<p>49</p> <p>1 A. It's not a healthy shift. I would 2 generally sleep about 9 a.m. I tried to 3 sleep between 9 and 5, and then wake up so 4 that I'd be able to work out, have dinner, 5 and kind of lead somewhat of a normal life, 6 and then drink coffee and go in, you know, 7 midnight.</p> <p>8 Q. Right.</p> <p>9 A. It was rough.</p> <p>10 Q. When you were at the 24th, were you 11 considered a rookie?</p> <p>12 A. Yes.</p> <p>13 Q. The whole time?</p> <p>14 A. Yeah.</p> <p>15 Q. When did you stop being a rookie?</p> <p>16 A. The unsaid rule is five years, 17 yeah.</p> <p>18 Q. Were you the only rookie in the 19 24th?</p> <p>20 A. No.</p> <p>21 Q. How many other rookies were there?</p> <p>22 A. Quite a few, but I couldn't give 23 you a number. Definitely less than ten.</p> <p>24 Q. Okay. How many female rookies?</p>
<p>1 Q. So after last out after midnight 2 you would go out?</p> <p>3 A. 8 a.m., yeah. It happened two to 4 three times my whole time there.</p> <p>5 Q. I have a little a question about, 6 so, last out is 4 to 12?</p> <p>7 A. No. Last out is midnight to 8.</p> <p>8 Q. Okay.</p> <p>9 A. Yeah.</p> <p>10 Q. Okay. So you went out to bars at 11 8:00 A.M.?</p> <p>12 A. Yeah.</p> <p>13 Q. Interesting, okay.</p> <p>14 A. Yeah.</p> <p>15 Q. In the 24th District?</p> <p>16 A. We went to a bar that also had 17 nurses and doctors who also were coming off 18 of their shift. Strange, but, you know, 19 when you're up all night the morning isn't 20 morning, it's nighttime, you know. Because 21 you go to bed usually after you get home.</p> <p>22 Q. Okay.</p> <p>23 A. You're, you're backwards.</p> <p>24 Q. What time do you sleep?</p>	<p>50</p> <p>1 A. There was only one other female 2 rookie that was, you know, considered a 3 rookie.</p> <p>4 Q. So, two of you?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Did you ever speak with her 7 about her experience as a rookie in the 8 24th?</p> <p>9 A. A little bit. Our personalities 10 were different. She was a little unusual. 11 And it wasn't too long after that that she 12 was fired for allegedly snorting Cocaine. 13 So, you know, it's, um, we didn't really 14 talk, no.</p> <p>15 Q. Okay. I'm going back to the 9th 16 District. How long were you at the 9th 17 before you applied for the detective's exam?</p> <p>18 A. I think I had to be there at least 19 two years. And then once you apply, it 20 takes a year just to take the test, about a 21 year. And then, of course, once you take 22 the test it sees like forever to get the 23 results, I think it was another year. So, 24 if I had to give a year, 2010 maybe.</p>

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	53		55
1	MS. GURMANKIN: You can --	1	A. That means I was the second group
2	BY MS. MORRIS:	2	of detectives assigned to the rotating
3	Q. I'm sorry, I didn't hear you.	3	shifts, again, 8 to 4, two weeks, then 4 to
4	A. If I had to guess, 2010, but I'm	4	12, two weeks, and then constant rotation.
5	not sure.	5	Q. Okay. Did you have a partner?
6	Q. Okay. Did anyone help you study	6	A. No.
7	for the exam?	7	Q. What kind of crimes did you
8	A. No. If you're taking a supervisor	8	investigate?
9	position, you have to worry about the oral	9	A. Robberies, burglaries, assault,
10	examination, whereas you're practicing a lot	10	theft, vandalism.
11	with people, and hopefully somebody that's	11	Q. Did you investigate sexual
12	passed the oral examination before. But	12	assaults?
13	with a detective, it's just books and	13	A. No.
14	memorization, and that -- that's it, pretty	14	Q. Who investigated those, in South
15	much, memorization and the crimes codes,	15	Division?
16	memorizing all the crimes codes.	16	A. Those crimes are handled by a
17	My memory -- I don't consider	17	specific unit, the Special Victims Unit.
18	myself the most intelligent person in the	18	Q. How long were you at South
19	world, obviously not the most educated, but	19	Detectives Division?
20	my memory is just, I have a strong memory.	20	A. Approximately, three years?
21	It's really good. So, yeah, I, I pretty	21	Q. And then where did you go?
22	much memorized the book. So I scored high,	22	A. I was moved to Southwest
23	in fact, and I have -- I may have these	23	Detectives.
24	papers at home. I didn't submit them	24	Q. Okay. Where is that located?
	54		56
1	because I didn't think it was part of	1	A. 55th and Pine.
2	discovery, but I was the top female.	2	Q. Was that a transfer?
3	When the results first came out, I	3	A. According to the captain, it was a
4	was No. 17. Now, that's after at least over	4	temporary detail.
5	2,000 people took the test, but then they	5	Q. Okay. Which captain?
6	said there was a problem, that they made a	6	A. Captain Martin Derbyshire.
7	mistake. And then they regrade, which took	7	Q. What year, then, would you have
8	them another six months. It was crazy. So,	8	gone to Southwest?
9	but then that made me No. 20. But I was the	9	A. This was 2014.
10	first female, so.	10	Q. Okay. Right. Because in 2011, you
11	Q. Great.	11	went to South Division; is that correct?
12	A. It's just something I'm proud of.	12	A. Yes.
13	Q. Great. Excuse me.	13	Q. Okay. And did you go anywhere
14	A. Did I ramble there?	14	after Southwest?
15	MS. GURMANKIN: Fine.	15	A. No.
16	BY MS. MORRIS:	16	Q. What's your current assignment?
17	Q. Okay. So when you became a	17	A. That has yet to be determined.
18	detective, you were transferred to South	18	Q. Okay. Are you working?
19	Detectives Division?	19	A. I, I just completed my
20	A. Yes.	20	reinstatement process yesterday, and I was
21	Q. Okay. What was your assignment	21	told that there's some confusion whether
22	there?	22	I'll be assigned to South or Southwest, or
23	A. I was assigned to 2 Squad, E Group.	23	another division completely, and, in fact,
24	Q. What does that mean?	24	they said they would call me today,

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15 (Pages 57 to 60)

	57		59
1	personnel. So I guess we'll see.	1	setting up the training will then tell me,
2	Q. What's the reinstatement process?	2	you know, go to training for this amount of
3	A. What's written on the policy, from	3	weeks, or whatever I need.
4	what I can remember, is, you contact	4	Q. What, when was the last time, the
5	personnel two weeks prior to returning, they	5	last date that you were working?
6	tell you to see your medical doctor, and to	6	A. The actual date. August, it was
7	write down a diagnosis, prognosis, whether	7	the beginning of August.
8	I'm able to fully come back to work without	8	Q. What year?
9	any restrictions, the dates that I was out,	9	A. I did submit this, I'm sure you
10	the date that I can return. The doctor	10	have it.
11	needs to sign the signature. After that,	11	MS. GURMANKIN: Just what
12	they set up an appointment with you at their	12	year?
13	medical building the City's medical building	13	THE WITNESS: Oh, what year?
14	at 19th and Fairmount.	14	August 2015. Sorry.
15	Q. Mm-hmm.	15	BY MS. MORRIS:
16	A. Once you go there, you fill out	16	Q. Okay. So you've been out of work
17	paperwork and they take your note and make	17	since August 2015?
18	sure it's correct, as far as what they need	18	A. Yes.
19	on the note. They check your heart. They	19	Q. Okay. And what was your reason for
20	check your vision. They ask you what	20	your absence from work?
21	medications you're on. A drug test is	21	A. I had a baby girl.
22	given, both urine and a sample of your hair.	22	Q. Okay. Okay. And you're still a
23	And, now, 19th and Fairmount told	23	detective, right?
24	me I was going back to Southwest. But when	24	A. Yes.
	58		60
1	I got to personnel, they told me I was going	1	Q. Okay. When you -- is detective
2	to South. I said, well, 19th and Fairmount	2	considered a supervisory position?
3	told me I'm going to Southwest, and she was	3	A. No.
4	like, hold on, let me check on it.	4	Q. In addition to the training that
5	Q. So it has yet to be determined	5	you received during that three-week
6	where you're going to be assigned?	6	intensive course, did that training also
7	A. Right, but there is some confusion	7	include learning about the directives, in
8	because, technically, I'm still in South.	8	general, things like maybe Directive 97, the
9	Q. Mm-hmm.	9	harassment and discrimination policy?
10	A. Because they didn't permanently	10	A. They, uh, they went over search
11	transfer me, like, all my information is at	11	warrant directives a lot and the arrest
12	South. So, you know, it's supposed --	12	warrant directive a lot. I don't remember
13	Southwest was supposed to be temporary. So	13	them talking about Directive 97.
14	there's nothing saying that I'm with	14	Q. Okay.
15	Southwest. It's just confusing for	15	A. If they did, it must have been for
16	everybody, but...	16	a short time because I don't remember.
17	Q. Did you have to retrain to meet the	17	Q. Okay. When you started working as
18	state requirements, like the Mopec	18	a detective, you mentioned that you didn't
19	requirements?	19	have a partner. Were you assigned a
20	A. I was able to take the classes when	20	vehicle?
21	I was pregnant, but I wasn't able to shoot	21	A. No. You have to sign out the cars.
22	at the range. So 2014 is okay, except for	22	A bunch of keys are just there and you sign
23	the range. So once they tell me where I'm	23	out.
24	assigned, the sergeant or whomever handles	24	Q. Did you do most of your work at --

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16 (Pages 61 to 64)

	61		63
1	I don't know what you call it, inside the	1	A. Did I socialize with my co-workers?
2	building of South Detectives?	2	Q. Mm-hmm, yes.
3	A. Yeah. And there's a lot of	3	A. Outside of work?
4	paperwork, so 90 percent of the time you're	4	Q. Yes.
5	in the building. You're only going outside	5	A. No. I don't think that we ever
6	the building to -- to obtain a search	6	went out, especially the first year.
7	warrant, or execute a search warrant.	7	Christmas party... wow. I don't think I've
8	A few times with a couple of	8	ever been out with anybody. No.
9	elderly complainants I had, I would just	9	Q. Why did you say "especially the
10	come to their house and interview them,	10	first year"?
11	instead of them coming out. Scenes, of	11	A. The first year was very hectic, so
12	course, scenes. So, that seems like a lot,	12	much to learn with being a detective. It's
13	but it just seems like there's just so much	13	like very intense. It's interesting. But
14	paperwork, you know, 90 percent of the time	14	there's so much to it that you're just, uh,
15	you're inside typing.	15	your -- your mind is just into work, you
16	Q. What was your chain of command when	16	know. You're just constantly learning and,
17	you were at South Detectives?	17	you know, there's just no -- no extra time
18	A. Okay. So it was me, detectives,	18	for, say, hey, for somebody to say, Hey, why
19	and then sergeants are above detectives.	19	don't we go out and have a drink? It's just
20	And then lieutenants are above sergeants and	20	like, I have to go home and think about that
21	the captain is above the lieutenant. And	21	case. I have to figure out what the next
22	then you had the inspector, who's above the	22	step is. And a lot of times what I would
23	captain. Then you have the chief inspector,	23	like to do is call my dad and, like, run
24	who's above the inspector. And then, uh,	24	through things with him because he has so
	62		64
1	then I think it goes to the deputy	1	much experience. It was enjoyable, you
2	commissioner, so.	2	know, to talk about, so.
3	Q. Okay. Who was your sergeant in --	3	Q. How many people were in your group
4	when you were at South Detectives?	4	or platoon?
5	A. Oh. I did not have a sergeant that	5	A. No more than, than -- no more than
6	was my direct supervisor, meaning he wasn't	6	eight in a group. I don't really remember.
7	in B Group. It was just a lieutenant. At	7	But as far as the whole squad, probably
8	that time, I believe it was Lieutenant	8	about 20, maybe 25. I'm not sure.
9	Lanzetta. So, then, since there isn't no	9	Q. Okay. So you say group and you
10	sergeant in place, he would then be my	10	said squad. You say you were assigned to B
11	direct supervisor.	11	group?
12	Q. Okay. And then who was the	12	A. Yes. That's a smaller group. And
13	captain?	13	B group just means for the full year of,
14	A. At that time, it was Captain Larry	14	say, 2015 you have these days off, and C
15	Nodiff.	15	group same thing, it's just opposite of B
16	Q. And who was the inspector?	16	group, and A is opposite of B and C.
17	A. Hmm. Um, he was a -- he was an	17	Q. Okay.
18	older white male, Mooney, Inspector Mooney.	18	A. So...
19	Q. And do you know who the chief	19	Q. When you were in the -- what do you
20	inspector was?	20	call the building where you worked? South?
21	A. No, I did not.	21	A. Division.
22	Q. Okay. Did you have -- did you	22	Q. When you were in the division, how
23	socialize with your co-workers when you were	23	many other groups were working at the same
24	assigned to South Detectives?	24	time as your group?

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17 (Pages 65 to 68)

	65		67
1	A. It depends on who was off. So it's 2 basically A and B day, or it's a B and C 3 day. Once every two weeks is a power day, 4 and that's where all the groups are working. 5 It happens once every two weeks.	1	recall, to the best of my knowledge, I don't 2 believe I've ever been out with South 3 Detectives after work. They did have a 4 holiday party, which I remember I couldn't 5 attend, because I wasn't feeling well, so. 6 BY MS. MORRIS:
7	Q. So if A and B are working, does 8 that mean about 16 people would be working?	7	Q. I'm going to go back to my time 8 line a little bit. I know that you said 9 that you most recently had been out because 10 you had your daughter. You have another 11 child, correct?
12	A. Could be.	12	A. (Witness nods.)
13	Q. Okay. Does each group have its 14 own -- did each group have its own sergeant 15 or lieutenant?	13	Q. When did you have your other child, 14 your first child?
16	A. It should be. But, you know, we're 17 lacking in, in personnel. So, they don't 18 have three sergeants. So what they do is 19 one sergeant is assigned to A Group, one 20 sergeant is assigned to C group, and then B 21 group the lieutenant is a supervisor so then 22 he can act as a sergeant for B Group.	15	A. Before my daughter. They're pretty 16 close together. My son I had July 28th, 17 2013, and my daughter I had August 21st, 18 2015.
23	Q. And then captain Nodiff at the time 24 was the supervisor for all the groups?	19	Q. When you had your son, you were 20 assigned -- where were you assigned?
25	A. Yes.	21	A. South Detectives.
26	Q. Was the captain at the division 27 essentially on a daily basis?	22	Q. And did you take time off from work 23 to have your son?
28	A. Yes.	24	A. Yes.
	66		68
1	Q. And was the inspector there on a 2 daily basis?	1	Q. How much time did you take, if you 2 remember?
3	A. I assume so. The inspector's 4 office is sort of behind our office, so you 5 don't really see him come and go. 6 Inspectors don't really make appearances, 7 you know, in the general detective area. I 8 don't think I've seen them come through 9 once, you know.	3	A. Approximately, three months.
10	Q. Where is the chief inspector's 11 office?	4	Q. Did you enjoy working as a 5 detective at South Detectives?
12	A. In South?	6	MS. GURMANKIN: Objection to 7 form.
13	Q. Yes.	8	THE WITNESS: I enjoy the 9 work of the detective job. I enjoy 10 investigating jobs, interviewing 11 complainants, being able to help on a whole 12 different level than you would as a police 13 officer. You're really able to reach people 14 on a whole "nother" level, which is really 15 nice, it's satisfying.
16	A. I'm not sure, because, uh, I didn't 17 frequently go back there. I'm not even sure 18 if the chief has an office back there, you 19 know. It might be just the inspector.	16	I enjoy -- I enjoy putting 17 the cases together. It's interesting. I 18 enjoyed collecting the evidence. I really 19 enjoyed if I took a print and then actually 20 came back to somebody and we arrested them, 21 it's like, wow, science, it's interesting.
22	Q. Okay. So you don't recall any 23 holiday parties or any kind of after-work 24 events while you were assigned to South 25 Detectives?	22	Yeah. The detective work I, I enjoy the 23 work.
26	MS. GURMANKIN: Objection, 27 asked and answered. You can answer.	24	BY MS. MORRIS:
28	THE WITNESS: As far as I can		

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18 (Pages 69 to 72)

<p>1 Q. Did you get feedback on the kind of 2 your performance, I guess, the type of work 3 that you were doing?</p> <p>4 A. Yes.</p> <p>5 Q. What was the feedback?</p> <p>6 A. Positive.</p> <p>7 Q. Who provided you with feedback?</p> <p>8 A. Different sergeants. I'm not sure, 9 hmm, I don't have the documents in front of 10 me. I'm not sure if Lieutenant Lanzetta 11 ever wrote up an evaluation. He may, may 12 have not, or just, you know, given it to 13 somebody else to handle, but it was 14 positive.</p> <p>15 Q. If you had questions about a job, 16 would you -- was there someone that you'd go 17 to to get help on that?</p> <p>18 A. There's nobody specifically that 19 you would go to. And because I'm always 20 kind of afraid to be criticized, I would 21 always call my dad. And he was always 22 available. And because he has so much 23 experience as a detective, it was always the 24 best, I suppose I'm going biased, but it was</p>	<p>69</p> <p>1 A. You know, with preliminary 2 training. They're not getting any bonuses 3 out of that except losing their own jobs, 4 you know. But I'm not saying all the guys 5 were bad. There was, uh, there's one guy in 6 there, Bernie, I forget his last name. I 7 believe now he's a -- he's a lieutenant, I 8 think now? He was very helpful, and 9 considerate. So I'd, I'd go to him before 10 he was promoted to a sergeant.</p> <p>11 Q. Were there other rookies assigned 12 to South Division when you were there?</p> <p>13 A. Yes.</p> <p>14 Q. Rookie detectives? Okay.</p> <p>15 A. Yes.</p> <p>16 Q. Who else was a rookie?</p> <p>17 A. Wayne Hunter, Scott Fields, Miguel 18 Figueroa, Sean Bascom. I'm looking at the 19 room in my head to see where everybody sat, 20 and as I'm figuring out who the new guys or 21 ladies were. Hmm. Okay. I think that's 22 all I can remember.</p> <p>23 Q. Okay. Did you speak with them 24 about their experiences as a rookie or did</p>
<p>70</p> <p>1 always the best advice. So I mainly reached 2 out to my dad. But as far as the way that 3 they wanted things formatted, documents, 4 because every division is different, I would 5 go to Sergeant Morton at that time a lot 6 about how do they want things out.</p> <p>7 Q. I didn't say hear what you said. 8 You went to Sergeant?</p> <p>9 A. Morton.</p> <p>10 Q. Morton?</p> <p>11 A. At the time, yes. He's now a 12 lieutenant, I believe.</p> <p>13 Q. You said that you didn't want to be 14 critiqued or criticized, I can't remember 15 the word you used. What do you mean by 16 that?</p> <p>17 A. I would just be afraid to ask a 18 dumb question or something that they found 19 funny. You know, the detectives that were 20 already there, they kind of just want to do 21 their job. They're not really interested in 22 helping this, you know, a new rookie 23 detective.</p> <p>24 Q. Right.</p>	<p>72</p> <p>1 you go to them to ask questions about the 2 job?</p> <p>3 A. Uh, yeah, we, we would bounce ideas 4 off of, off of our -- each other's heads all 5 the time. Yeah. We were all excited about 6 learning. And we all agreed about how 7 overwhelming it was, a lot of information to 8 take in.</p> <p>9 Q. Did you all come out of the same 10 class?</p> <p>11 A. Yes.</p> <p>12 Q. How were rookies treated at South 13 Division?</p> <p>14 MS. GURMANKIN: Objection to 15 form.</p> <p>16 THE WITNESS: The usual way 17 rookies are, are treated. It's just, it's 18 the culture. It's like, you know, listen, 19 as far as, like, an older detective, this is 20 how they are. I'm going to perceive how 21 they are, like, listen, I've been here a 22 long time, kid, you know, this is how we do 23 things. Basically, if you don't like it, 24 see ya later, you know. And, um, that's how</p>

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19 (Pages 73 to 76)

	73		75
1	it was.	1	paperwork. If I had noticed anything, I
2	Q. Did you experience that kind of	2	noticed the older guys would complain about,
3	treatment?	3	you know, oh, all right, I'll go out to that
4	A. In, in a smaller sense, you could	4	scene with you, you know, little things.
5	the tell guys that didn't want to be	5	Q. Who were the older guys at the
6	bothered, and I wasn't going to, you know,	6	time?
7	bother them. It was just, you know, a	7	A. Art McCarry, he recently retired.
8	feeling. They don't know you. They're	8	He was a really nice guy. I'm not talking
9	going to figure out who you are. That was a	9	about Art's character. He, he was cranky.
10	big thing.	10	And, you know, there's just a certain
11	The first day I was there, within	11	understanding in the police department that
12	two hours, a few of the guys came to me and	12	you just have to accept. It's just the way
13	said, is your dad Tom Lauf? Because the	13	it is.
14	last name is different. And I was like,	14	Q. Were there any other older guys
15	yes. And then it was like, oh, okay, at	15	there that you can remember?
16	that point, I trust you. It was, oh, your	16	A. I wouldn't -- wouldn't classify him
17	dad's great, I love your dad, he's the	17	as older, but he acted like an older guy,
18	greatest detective ever, you know. It was	18	Justin Carlton. He was very, you know, you
19	like, all right, I'm in, you know, thanks,	19	better not cross me, his whole presence.
20	Dad, you know. He's, uh, he really, uh,	20	Q. Was he like that with everyone, or
21	paved, paved the way for me.	21	just you?
22	Q. So did anybody ever say to you,	22	A. He was very dominant. He, he
23	like, hey, kid, if, you know, if you can't,	23	seemed to be more friendlier with the men
24	this is how things are done, if you can't do	24	than the ladies. It just seemed like his
	74		76
1	it that way you're outta here?	1	personality.
2	A. I was sitting in somebody's chair,	2	MS. GURMANKIN: Nicole, when
3	and I put my binder, detective binder, it's	3	you get to a good point, a quick break would
4	just filled with information, I, I did it	4	be great.
5	all on my own. I actually took all the old	5	MS. MORRIS: Sure. We can
6	notes that my dad ever had, for hours, and	6	stop now.
7	put this binder together.	7	MS. GURMANKIN: Great.
8	Anyway, I put it on the desk, and I	8	Thanks.
9	got up and walked away. And one of the	9	THE VIDEOGRAPHER: Hold on.
10	detectives walked in the room and was like,	10	Off the video record at 12:11.
11	oh, you know, that's so-and-so's seat, you	11	(Whereupon, a recess was
12	know, back in the day if you put your stuff	12	taken at this time.)
13	on his desk he would have thrown your binder	13	THE VIDEOGRAPHER: Back on
14	out the window, I mean, I would move it	14	the video record at 12:24 p.m.
15	right now before that happens.	15	BY MS. MORRIS:
16	I was like, I'm sorry, I didn't	16	Q. Detective, I believe we talked a
17	know that there were assigned seats. You	17	little bit about whether or not you
18	know, it was just like our first day. So I,	18	socialized with people from work. And I
19	I think that would be an example.	19	wanted to ask you, in general, during your
20	Q. Did you observe the same treatment	20	time at the police department, did you have
21	of the other rookies in the class?	21	any friends that you developed, or anybody
22	A. A little bit. I mean, uh, we were	22	that you would call a friend that you
23	just so focused on learning that you're	23	developed throughout your career at the
24	constantly staring at a computer and	24	department?

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20 (Pages 77 to 80)

	77		79
1	A. Sadly, to truly mean friend, no.	1	A. Yes.
2	Q. Were there people that you engaged	2	Q. I shouldn't say that because you're
3	in small talk, maybe talked about --	3	a detective. "Is he a police officer?"
4	A. Sure.	4	What's his current assignment?
5	Q. -- what you're doing over the	5	A. He is currently at the 3rd
6	weekend? Maybe talked about -- strike that.	6	District.
7	When did you meet your husband?	7	Q. And what's his name?
8	A. I met my husband December 20th,	8	A. William Vandegrift.
9	2003.	9	Q. Is the 3rd District in the South
10	Q. Okay. Where did you meet?	10	Division?
11	A. I met him inside an Italian	11	A. Yes.
12	restaurant I was working.	12	Q. Does that mean you share the same
13	Q. Okay. Is he a member of the police	13	inspector and chief inspector?
14	department?	14	A. Had. Had shared the same.
15	A. Yes.	15	Q. Right. That's correct.
16	Q. How long has he been with the	16	A. Yeah.
17	department?	17	Q. When you working at or when you
18	A. I think about nine years.	18	were assigned to South Division, okay.
19	Q. So that's about 2005 he may have	19	A. Yes.
20	joined the department?	20	Q. Okay.
21	A. No.	21	A. That would be accurate.
22	Q. I'm terrible at math. 2007. All	22	Q. Other than your husband, who was
23	right. No.	23	not a member of the police department when
24	A. Yes, it was 2007.	24	you met him, have you ever dated any members
	78		80
1	Q. That's what I meant. Okay. So you	1	of the police department?
2	met before the both of you were on the job?	2	A. Hmm. There was one time in 2005 my
3	A. Yes.	3	husband and I, obviously, not married, we
4	Q. Okay. When did you start dating?	4	took a break. I was putting a lot of effort
5	A. Immediately after December 20th,	5	into the academy, and he was going to Iraq,
6	2003.	6	so we decided to take a break. And during
7	Q. And when were you married?	7	that time, I dated an officer in the 24th.
8	A. March 24th, 2007.	8	Q. While you were in the 24th?
9	Q. Excuse me. When you got married,	9	A. Yes.
10	where were you assigned?	10	Q. I should have clarified what I
11	A. I was assigned at the 24th	11	meant by dated, too. So the way that I'm
12	District.	12	using dating, dating means either to go out,
13	Q. What was his assignment when you	13	just the two of you after work, so,
14	were married?	14	somewhere after work, where there are other
15	A. He was not yet accepted into the	15	people or not. So that's what I mean by
16	academy by that point.	16	dating.
17	Q. Did you ever have occasion to work	17	So my next question is, were you
18	in the same district or division?	18	involved in a sexual relationship with any
19	A. We often said that we would love to	19	members of the police department? And by
20	be partners, just because we love to be with	20	sexual relationship, I mean engaging in any
21	one another, all the time. But, no, we	21	kind of intimate touching, whether it was
22	never made any serious attempts to be in the	22	kissing, intercourse.
23	same district.	23	A. Well, I mean, is that relevant,
24	Q. Is he also a police officer?	24	what I do outside of work?

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21 (Pages 81 to 84)

	81		83
1	MS. GURMANKIN: You can	1	were in separate squads.
2	answer now, for the deposition.	2	Q. Okay. So is it fair to say that
3	THE WITNESS: Okay.	3	you ended the relationship?
4	MS. GURMANKIN: Yeah. You	4	A. No. He ended it.
5	could say we had a sexual relationship.	5	Q. Were you two able to work, to
6	BY MS. MORRIS:	6	manage a working relationship after the
7	Q. Okay. You and the police officer	7	relationship ended?
8	from the 24th?	8	MS. GURMANKIN: Objection to
9	A. Yes.	9	form.
10	Q. Okay. Anyone else?	10	THE WITNESS: Could you
11	A. No.	11	rephrase that?
12	Q. Okay. And what was this police	12	BY MS. MORRIS:
13	officer's name? Or, what is this police	13	Q. Sure. Were you able to maintain a
14	officer's name?	14	professional working relationship after --
15	A. Charles Buck.	15	A. Of course.
16	Q. How long were you the two of you	16	Q. -- the relationship ended?
17	intimate, in 2005?	17	A. Yes.
18	A. I don't really remember. I knew	18	Q. Okay.
19	that we had gotten along for a long time	19	A. Of course.
20	before we even got to that point of, uh, a	20	Q. Okay. I'm going to jump ahead to
21	relationship, so, I don't know.	21	2014.
22	Q. Would you say for less than a year?	22	(Whereupon, discussion was
23	A. Yeah. I would say that.	23	held off the record between defense
24	Q. Were other people that, you know,	24	counsel.)
	82		84
1	were other people in your district aware	1	BY MS. MORRIS:
2	that you were dating?	2	Q. Okay. Did you go to the police
3	A. Yes, they were.	3	department's equal opportunity employment
4	Q. How do you know they were aware?	4	office in August of 2014?
5	A. Because he told me that other	5	A. Yes.
6	officers within his squad were asking him if	6	Q. Why did you go there?
7	we were having sex. And he told them, no,	7	A. To make a formal complaint.
8	that we, uh, we're just friends.	8	Q. What were your -- what was your
9	The relationship ended because of	9	complaint?
10	rumors from with -- from within my squad	10	A. My complaint was about the sexual
11	that I was involved sexually with multiple	11	harassment and the sexual discrimination
12	police officers within my squad. He	12	that I dealt with on a constant basis. I
13	wouldn't tell me the details, but he would	13	would have to say that there wasn't a week
14	always call me at night and ask me who I was	14	that went by that it didn't happen. Whether
15	working with. And he had trust issues	15	it was a comment, a gawk.
16	because of the -- because of the rumors.	16	Q. Is this limited to one particular
17	Q. This is Officer Buck?	17	assignment of the police department or for
18	A. Yes.	18	your whole career?
19	Q. Did the two of you meet on the job?	19	A. This is -- this is all connected,
20	A. Yes.	20	all this. This, all of it is connected.
21	Q. Were you in the same squad or	21	It's the very material of the police
22	different squads?	22	department. It's the very culture. It's to
23	A. When I first went to the 24th, I	23	keep women down to a certain level, so
24	was in his squad for a week, and then we	24	that -- so that they're scared and they fear

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22 (Pages 85 to 88)

	85		87
1	retaliation.	1	typically have overtime opportunities?
2	Q. So when you went to make your	2	A. During that time, no. I mean,
3	complaint, what was your, in your own words,	3	sometimes there's, uh, details that a
4	to summarize, what were you complaining	4	supervisor will offer you. There were no
5	about at that time?	5	details during that time in South Division.
6	A. Okay. At that time, I was	6	Q. Excuse me. How about on the jobs
7	complaining about the unfair rotation of the	7	that you were working, did they require you
8	wheel, which is, there's a desk person, and	8	to work overtime?
9	there's assignments, and this desk person,	9	A. I mean --
10	who was a male detective, was given the --	10	MS. GURMANKIN: Objection to
11	was given the authority to assign certain	11	form.
12	cases to certain detectives.	12	THE WITNESS: -- I just want
13	Over several months, I noticed that	13	to go back to the previous question.
14	he was giving, essentially, the cases that	14	BY MS. MORRIS:
15	warranted the most overtime to the male	15	Q. Sure.
16	detectives, but most particularly his	16	A. There may have been overtime
17	friend, Detective Ruth.	17	details, but I wasn't asked about those
18	On July 31st, I let Lieutenant	18	overtime details. Okay, sorry.
19	LaSalle know what was going on.	19	Q. No, that's fine. I did ask you to
20	Q. I want to interrupt you, because I	20	supplement your answer, if you remember more
21	want to back up a little bit.	21	of an answer.
22	A. Okay.	22	Okay. Do you know of any specific
23	Q. You used one name, Detective Ruth	23	details that were available but that were
24	was getting assignments. Is it fair to say	24	not given to you?
	86		88
1	you believed he was getting assignments	1	A. No.
2	unfairly?	2	Q. Was Detective Ruth a rookie at this
3	A. No. He, he, as far as he goes, he	3	time?
4	was winning the lottery. If you're talking	4	A. No.
5	about me, that was unfair.	5	Q. Do you know how many years -- when
6	Q. You believe that the distribution	6	you were at South Division, do you know how
7	of job was unfair, is that correct?	7	many years he had on the job as a detective?
8	A. That's correct.	8	A. Not exactly the number, no.
9	Q. And who was distributing the jobs?	9	Q. Are there more jobs for detectives
10	A. That would be Detective Priadka,	10	that are considered maybe more complex that
11	who was also male.	11	require the assignment of a detective who's
12	Q. And he was the one assigning cases	12	been on the job a little bit longer?
13	off the wheel?	13	A. You could say that at that point in
14	A. Yes.	14	my career, I was very comfortable with
15	Q. Okay. And this would have been the	15	handling any investigation, and if I wasn't,
16	South -- excuse me, South Division?	16	it could still be assigned to me and the
17	A. Yes.	17	other detectives can support me with that
18	Q. Did these assignments lead to extra	18	investigation.
19	overtime for Detective Ruth?	19	There has never been a time where
20	A. Yes.	20	they're like, well -- scratch that, never.
21	Q. And therefore he earned more money?	21	I don't want to say that. Maybe if it's
22	A. Yes.	22	your first week and you have no idea what to
23	Q. Okay. At that time, when you were	23	do, you're not going to get assigned to
24	assigned to South Division, did you	24	anything. But if you're newer, they're not

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23 (Pages 89 to 92)

	89		91
1	going to skip you because you're not	1	I said, "That was supposed to be my case."
2	experienced. They'll ask other detectives	2	I was getting tired of it. It's not really
3	to support you.	3	my personality to stand up for myself,
4	Q. Okay. And you said at that point	4	unfortunately, but as I go along, working on
5	in your career. Do you mean when you made	5	myself, and regaining more confidence and
6	the complaint in August of 2014?	6	self-esteem -- anyway, I went to Detective
7	A. Yes.	7	Priadka. I said, "That's my job."
8	Q. Excuse me.	8	He said "Oh, I, I, was, uh,
9	THE VIDEOGRAPHER: Oh, I'm	9	gonna give you this domestic." Now, all
10	all right.	10	detectives know that domestics, generally,
11	BY MS. MORRIS:	11	you don't receive court time, which
12	Q. How did you know that Detective	12	essentially is overtime.
13	Priadka was assigning Detective Ruth jobs	13	I, I said, "Where is it?"
14	that led to overtime in an uneven manner?	14	Oh, they're coming in with it. I said, "No,
15	A. Well --	15	gimme that job." He scratched out Ruth's
16	MS. GURMANKIN: Objection to	16	name and put my name on it and I took the
17	the form.	17	job, so.
18	THE WITNESS: On one	18	Q. Did you complain to your supervisor
19	particular night that I recall, it was	19	that -- about the manner in which Detective
20	August 10th, 2014. It was my first day	20	Priadka was assigning jobs to Detective
21	back, meaning the first day I was -- like,	21	Ruth?
22	in other words, it was my Monday. I had two	22	A. I did.
23	days off prior, before, now it's my day.	23	Q. Who did you complain to?
24	The rules are, if it's your	24	A. Lieutenant LaSalle.
	90		92
1	first day back, you were off the last two	1	Q. Okay. And that was on July 31st?
2	days, meaning you will get the first case,	2	A. Yes.
3	because, you know, the other detectives were	3	Q. Okay. What was LaSalle's response?
4	covering for you while you took your regular	4	A. I'm gonna try to remember, because
5	day off.	5	I complained to him about a lot of things,
6	So there was a good	6	and there was different reactions.
7	investigation that was already assigned to	7	Okay. He didn't really want
8	Ruth that detective, uh, I believe, Frei was	8	anything to do with it. He was like, go to
9	working on. And I assumed it was his job,	9	a sergeant, you know. Because I had
10	because Frei was also in my group, and he	10	presently told him before and he was well
11	then would have gotten the first job. And	11	aware of that they were starting rumors that
12	he said, no, that it wasn't his job, it was	12	we were, quote, "fucking each other".
13	Detective Ruth's job. And I said, "Did you	13	So he said to me, "I can't say
14	get a job yet?"	14	anything to them, Michele, because if I do
15	He said, "Yes."	15	it looks like I'm sticking up for you."
16	I said, "Well, I didn't get a	16	Q. Okay. Break it down for me. Who's
17	job yet, so that's my job."	17	they were starting rumors?
18	He said, "Well, I don't	18	A. He's, he's, um, now this is the
19	know."	19	lieutenant speaking.
20	From what I remember, I'm not	20	Q. Right.
21	sure about this, but I said, "Where's Ruth?"	21	A. When he says "they," he's talking
22	Oh, I don't know. I'm just helping him with	22	about the other male squad detectives.
23	this interview. Okay.	23	Q. Okay. That you and who were --
24	I went to Detective Priadka.	24	A. By the way, I was the only female

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24 (Pages 93 to 96)

<p>1 in that squad. So if I'm speaking about any 2 other detective, you could be sure it's 3 male, because I was the only female there. 4 Q. And who, who was the rumor about, 5 you and? Detective Ruth? 6 A. No. The rumor was, and like I 7 said, Lieutenant LaSalle was well aware of 8 this as well, that the lieutenant and I -- 9 Q. Oh. 10 A. -- were in a sexual relationship. 11 Q. Got you. So did he do anything to 12 change the distribution of jobs, by Priadka? 13 MS. GURMANKIN: Objection to 14 form. 15 THE WITNESS: From my 16 personal knowledge -- 17 MS. MORRIS: Yeah. 18 THE WITNESS: -- I don't know 19 what, if anything, he did. 20 BY MS. MORRIS: 21 Q. Was Detective Ruth the only one 22 benefitting from the -- from Priadka's 23 assignments, or were other detectives 24 getting lots of overtime, too?</p>	<p>93</p> <p>1 she's a mom. She, she's tired. She has to 2 go home to her kids. That was the -- that 3 was the attitude. So, yeah. 4 BY MS. MORRIS: 5 Q. Did you hear people say that? 6 A. Yeah. 7 Q. Who said it? 8 A. Ruth had said something along those 9 lines. Priadka has said something along 10 those lines. Conway has made comments like 11 that. Detective Frei was a pretty quiet 12 guy. Steve Haraszkiewicz, I don't know if 13 I'm saying his last name right, he's made 14 comments about that. Detective Aitken, he's 15 made comments -- 16 Q. You've heard -- 17 A. -- about that. 18 Q. Excuse me. You've heard all them 19 say that, when -- you heard them say it 20 directly? 21 A. Yes. 22 Q. Okay. You still haven't answered 23 my question about Priadka's assignment of 24 jobs. You gave us the one instance, a very</p>
<p>1 A. I, I don't know the exact numbers, 2 but they all were, were doing fairly well. 3 I want to say that Ruth was probably the top 4 maker, but I don't know that for sure. I'd 5 have to look at the numbers. 6 Q. How -- 7 A. Which, by the way, the City 8 produced that breakdown of myself and the 9 other, the other members and what they made 10 as opposed to what I made. 11 Q. Okay. I'm ask -- 12 A. It's significant. 13 Q. I'm asking in 2014 when you 14 complained to Lieutenant LaSalle about the 15 distribution of jobs to Ruth, what did you 16 know then? Did you know, was it just Ruth 17 that was benefitting from the jobs, or were 18 other people getting more overtime than you? 19 MS. GURMANKIN: Objection. 20 Asked and answered. You can answer again. 21 THE WITNESS: Okay. Thanks. 22 I basically felt that because of my gender, 23 because I'm a female, they're trying to hold 24 the female down. She don't need money,</p>	<p>94</p> <p>1 good instance, on August 10th, how you had 2 just come off your two days off and there's 3 a particular job. 4 Do you know of any other situations 5 or any other people who got jobs that you 6 should have gotten? 7 A. Well, you know, it's like if you're 8 sitting there twiddling your thumbs, and, 9 and the other guys are working their asses 10 off and they don't want you to help them. 11 You know... 12 MS. GURMANKIN: She's just 13 asking if you know of any others, other than 14 the one you talked about on August 10th. 15 THE WITNESS: I mean, it 16 happened all the time. But that event 17 sticks out because that's the first time I 18 stood up for myself in regards to the 19 rotation assignment. I caught them, you 20 know, factually. And I was able to break it 21 down to them like that. 22 But the desk person is 23 separated from where the detectives are. 24 And even where, the hall where the police</p>

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25 (Pages 97 to 100)

<p>1 officer brings the job, you don't see any of 2 that. So it's kind of hard to say, hey, 3 that was, that was supposed to be my job, 4 you know. But you get that sense almost 5 constantly when you're sitting there not 6 doing anything and they're, you know, 7 working on all these investigations, so. 8 BY MS. MORRIS: 9 Q. When you reported it to Lieutenant 10 LaSalle, did he confirm or deny that there 11 was an unequal distribution of jobs? 12 A. Hmm, let me just think about that 13 for a minute. He was not shocked at all. 14 Q. How do you know? 15 A. Because he didn't seem to react to 16 it. He was just like, ah, I can't say 17 anything, you know. It wasn't like, you 18 know, Really? You know, uh, I didn't know 19 this information. It wasn't anything like 20 that. It was just like, listen, I can't say 21 anything. 22 Q. Who was your sergeant at that time? 23 A. Once again, we're in a situation 24 where Lieutenant LaSalle was my direct</p>	<p>97</p> <p>1 Lieutenant LaSalle? 2 A. Well, I wanted to address my 3 problem with Lieutenant LaSalle, and give 4 him a chance -- I'm sorry. I wanted to let 5 him know and give him a chance to address 6 the situation before jumping over his head 7 to, uh, you know, commander. 8 Q. Did he address the situation? 9 A. I'm not his supervisor, so, I don't 10 know that for sure, but nothing changed, so. 11 Q. So when nothing changed, why didn't 12 you go to your captain about it? 13 A. I mean I did, I mean. I didn't go 14 that night, but I did go to the captain. 15 Q. When did you go to the captain? 16 A. The date was, I want to say, I'll 17 say on or about August 27th. I know it was 18 after I left internal affairs. 19 Q. Okay. 20 A. Because I wanted to speak to the 21 captain in person. But when I was done, he 22 wasn't in his office yet, uh, so I had to 23 call him after internal affairs. 24 Q. When you had your first child while</p>
<p>98</p> <p>1 supervisor. I had no sergeant. 2 Q. Okay. 3 A. You know what? Can I just add 4 something? 5 Q. Yeah. 6 A. Because I remembered. He may have 7 said, I'll look into it. I'm not one 8 hundred percent sure about that, but, that 9 he may have said, I'll look into the book. 10 But he made clear that he couldn't say 11 anything to them. 12 Q. Lieutenant LaSalle? 13 A. And, and directed me to Sergeant 14 Hampton and Sergeant Black, to have them say 15 something to 'em, because of the rumors. 16 Q. Sergeant Hampton and Sergeant 17 Black, were there supervisors in another 18 group? 19 A. Yes. I believe Sergeant Hampton -- 20 I'm not sure if Sergeant Hampton was in A or 21 C, but I know for sure that they weren't in 22 B. 23 Q. Why didn't you go to the captain if 24 you didn't get sufficient response from</p>	<p>100</p> <p>1 you were in Southwest, excuse me, South 2 Division, were you on any kind of limited 3 duty at work? 4 MS. GURMANKIN: Objection to 5 form. 6 THE WITNESS: Could you 7 rephrase the question? 8 BY MS. MORRIS: 9 Q. Sure. You gave birth to your son, 10 I think, on [REDACTED] 11 A. Yes. 12 Q. And you were assigned to South, 13 South Division at that time, correct? 14 A. Yes. 15 Q. And you said you took off for about 16 three months for maternity leave? 17 A. Yes. 18 Q. Okay. Before you had your son, did 19 you have any restricted duty at work? 20 A. As per the directive, you must be 21 on restricted duty at 20 weeks. So from 20 22 weeks on, I was restricted in a manner as 23 far as I couldn't go on the streets, but I 24 could still handle jobs.</p>

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26 (Pages 101 to 104)

1 Q. Okay. How did that affect your 2 ability to be a detective, in what cases you 3 could handle? 4 MS. GURMANKIN: Objection to 5 form. 6 THE WITNESS: Could you 7 rephrase it? 8 BY MS. MORRIS: 9 Q. Yeah, sure. Were there any kind of 10 investigations you could not do when you 11 reached 20 weeks until you, uh, until you 12 returned to work after you gave birth? 13 A. There was a lot I could do, because 14 90 percent of the time you're in the office, 15 anyway. But the things I couldn't do, I 16 couldn't search, or, uh, I couldn't execute 17 a search warrant, because that would be, you 18 know, dangerous. 19 Q. Right. 20 A. I couldn't execute an arrest 21 warrant. 22 Q. Could you go to crime scenes? 23 A. No. 24 Q. Could you go do interviews outside	101	1 A. Yes. 2 Q. Okay? 3 A. Or November. 4 Q. Did you return to work full duty? 5 A. Yes. 6 Q. So you had no restrictions 7 whatsoever? 8 A. Yes, that's right. 9 THE VIDEOGRAPHER: We have 10 five minutes. Do you want to just go off 11 the record? 12 MS. MORRIS: Yeah, sure. 13 THE VIDEOGRAPHER: This 14 concludes tape No. 1. Going off the video 15 record at 12:57. Hold on, please. 16 - - - 17 (Whereupon, a lunch recess taken.) 18 - - - 19 THE VIDEOGRAPHER: We're back 20 on the video record at 1:37 p.m. This is 21 tape No. 2. 22 BY MS. MORRIS: 23 Q. Before we went on break, Detective, 24 we were talking about the complaint that you	103
1 of the division? 2 A. No. 3 Q. Were you able to then investigate 4 all type -- all types of crimes? 5 I'll be specific. Were you able to 6 investigate robberies? 7 A. I could, but I would need the 8 support of somebody to go out there and take 9 pictures of the scene, or, you know, 10 whatever we needed. Technically, there is 11 no job you can't investigate. But, 12 technically, I, I would need support when it 13 comes to going out on the streets. 14 Q. So there's specific activities you 15 couldn't do, it wasn't necessarily types of 16 jobs that you -- 17 A. Right. 18 Q. -- couldn't do? And you could do 19 those jobs, but you needed assistance if 20 there were activities you were not permitted 21 to do? 22 A. Right. 23 Q. Okay. When you returned to work, 24 was that the end of October of 2013?	102	1 filed with the Philadelphia Police 2 Department's equal employment opportunity 3 office in August 2014. And you had told me 4 that you went to -- you started to tell me 5 that you went and filed a complaint because 6 one of your concerns was uneven distribution 7 of work. Is that correct? 8 A. Yes. 9 Q. What is -- how do you receive 10 overtime? Is it double your salary? Time 11 and a half your salary? 12 A. It's time and -- time and a half. 13 Q. So if there is, say, for 14 example -- has Detective Ruth been a 15 detective longer than you have? 16 A. Yes. 17 Q. Does that mean he has a higher 18 salary than you have? 19 A. No. 20 Q. Is it possible that he has a higher 21 salary than you have, higher base salary? 22 A. I don't know. 23 Q. Okay. 24 A. Yeah.	104

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27 (Pages 105 to 108)

	105	
1	Q. That's fine. But if there is a 2 detective who has a higher base salary than 3 you and makes overtime, that detective is 4 getting time and a half of his salary; 5 correct?	1 known to say, "Yeah, yeah, yeah," a lot, and 2 they tease me about that all the time, that, 3 you know, I got it meaning maybe I found the 4 penis. I mean that's how I interpreted it.
6	A. Correct.	5 Q. So, did -- I apologize, let me 7 start here. Did Detective Ruth send around 8 the text message and then Detective Aitken 9 send around the comment?
7	Q. And you're getting time and a half 8 of, of whatever your salary is, correct?	10 A. Well, it's a group text message. 11 So, if he comments everybody -- it's on 12 everyone's phone.
9	A. (Witness nods.)	13 Q. Okay. Did Detective Ruth initiate 14 that particular group message?
10	MS. GURMANKIN: Was that yes?	14 A. Yes.
11	THE WITNESS: Yes.	15 Q. By sending the photograph, correct?
12	BY MS. MORRIS:	16 A. You know, I just want to say, 17 because I believed it for so long, but I 18 didn't double-check on that. I believe it 19 was -- it was Ruth that initiated the 20 conversation. But, you know, I'm not a 21 hundred percent sure of that. I'd have to 22 look at the paperwork to, to remember.
13	Q. Okay. What -- is there any other 14 reason that you filed the complaint with EEO 15 in August of 2014?	23 Q. Okay. Did anybody besides 24 Detective Aitken make any comments on the
16	A. Could you repeat the question?	
17	Q. Besides the distribution of work, 18 is there any other reason that you filed 19 your complaint with EEO in August of 2014?	
20	A. There's so many sexual 21 discrimination incidents, sex-gender 22 incidents. Give me a minute here to think.	
23	Q. From your memory --	
24	A. Okay.	
	106	
1	Q. -- what were they?	1 picture?
2	A. All right. Now I'm trying to 3 remember the exact dates. Okay. I believe 4 August 7th, I'm not positive about that 5 date, Detective Ruth sent me a text message 6 along with other males in our squad of a 7 picture of the Dallas Cowboys owner with a 8 stripper who was in a position where she 9 looked like she was about to perform 10 fellatio. The problem that I had with this 11 text is that girl looks very similar to me. 12 And, basically, if I was a guy, they 13 wouldn't be sending that to a male 14 detective.	2 A. Yes.
15	Q. You were one of the recipients of 16 the text message?	3 Q. Who?
17	A. Yes.	4 A. I made comments.
18	Q. Excuse me. Was there any comment 19 associated with the picture?	5 Q. What did you say?
20	A. Detective Neil Aitken wrote, "Yeah, 21 yeah, yeah. Yeah, I think I got it," 22 something to -- something along those lines.	6 A. Um, I don't remember, um... I 7 don't remember.
23	Q. Do you know what that meant?	8 Q. Okay. How did you feel when you 9 received this message, or both messages, I 10 should say?
24	A. Uh, I interpret it as, because I'm	11 A. There were several emotions. I 12 felt that -- I felt shocked, angry, sad, and 13 lonely.
		14 Q. Was this in 2014?
		15 A. Yes.
		16 Q. Okay. Did you show it to your 17 husband?
		18 A. Yes.
		19 Q. What was his reaction?
		20 MS. GURMANKIN: Not what he 21 said, his reaction you can testify to.
		22 THE WITNESS: His appearance 23 that I perceived was, uh, he was disgusted.
		24 BY MS. MORRIS:
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28 (Pages 109 to 112)

<p>1 Q. Did you, before you got this text, 2 did you joke around with your colleagues at 3 South Division?</p> <p>4 MS. GURMANKIN: Objection to 5 form.</p> <p>6 THE WITNESS: Did I joke 7 around with them before? I'm sure I have. 8 Sure.</p> <p>9 BY MS. MORRIS:</p> <p>10 Q. Did you joke around about things 11 that might be considered sexual in nature?</p> <p>12 MS. GURMANKIN: Objection to 13 form.</p> <p>14 THE WITNESS: You know, I 15 believe that everybody knows where that line 16 is crossed, you know. People joke around. 17 There's things that are okay to talk about, 18 there's things that aren't. They, as police 19 officers, meaning as a whole, detectives, 20 chiefs, whatever, have the discipline to not 21 go there, to not sexually discriminate a 22 female. They know those lines. They know 23 what is acceptable in our society and what's 24 not.</p>	<p>109</p> <p>1 Q. At any -- at South, at South 2 Division?</p> <p>3 A. Okay. No.</p> <p>4 Q. How about cursing? Did you curse 5 at work, use swear words?</p> <p>6 A. Yes.</p> <p>7 Q. Is that common in the office?</p> <p>8 A. Yes.</p> <p>9 Q. In your initial response, you spoke 10 to, about, something about crossing the 11 line.</p> <p>12 Do you believe that this photograph 13 crossed the line between a joke and being --</p> <p>14 A. Absolutely.</p> <p>15 Q. -- something else?</p> <p>16 A. Absolutely.</p> <p>17 Q. Do you believe that the people who 18 sent the message or engaged in the message 19 and the photograph have the same line that 20 you have?</p> <p>21 MS. GURMANKIN: Objection to 22 form.</p> <p>23 THE WITNESS: I'm sorry, I 24 don't know what you mean. Oh, as far as,</p>
<p>110</p> <p>1 BY MS. MORRIS:</p> <p>2 Q. Okay. So my question was, prior to 3 this occasion, did you engage in jokes 4 around the office that were sexual in 5 nature?</p> <p>6 MS. GURMANKIN: Same 7 objection.</p> <p>8 THE WITNESS: Uh, no.</p> <p>9 BY MS. MORRIS:</p> <p>10 Q. Did you engage in jokes about 11 anyone's appearance?</p> <p>12 MS. GURMANKIN: Objection to 13 the form.</p> <p>14 THE WITNESS: Mmm, no.</p> <p>15 BY MS. MORRIS:</p> <p>16 Q. Did you engage in jokes about or 17 gossip about anybody dating among your group 18 or people that you had in common with your 19 colleagues?</p> <p>20 MS. GURMANKIN: Objection to 21 form.</p> <p>22 THE WITNESS: Are we speaking 23 about just this time?</p> <p>24 BY MS. MORRIS:</p>	<p>111</p> <p>1 um, morals?</p> <p>2 BY MS. MORRIS:</p> <p>3 Q. Yeah.</p> <p>4 A. I think that everybody in the 5 police department -- so, my answer would be 6 yes. Yes.</p> <p>7 Q. Okay. Do you think that Detective 8 Ruth and Detective Aitken knew that they 9 were engaging in sexual harassment when 10 they sent -- I mean they these messages?</p> <p>11 A. Yes.</p> <p>12 MS. GURMANKIN: Objection to 13 form.</p> <p>14 BY MS. MORRIS:</p> <p>15 Q. Did you tell them that you were 16 offended?</p> <p>17 A. No.</p> <p>18 Q. Why not?</p> <p>19 A. It's, uh, it's a complicated 20 answer. It's like when you're in a 21 male-dominated workplace, well, particularly 22 my male-dominated workplace, it's almost 23 like you're stored into groups. You know? 24 You're like that female that complains, the</p>

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<p>1 rat, the one that breaks the code of 2 silence, the one you cannot trust. You're a 3 whore. You just fuck everybody. You're a 4 lesbian. You're, you're butch. You're a 5 bitch. I mean, this -- these are what my 6 male colleagues have said throughout my 7 career.</p> <p>8 Listen, if they're going to put me 9 in a category and call me a whore, at least 10 they trust me. I'm, I'm looking for 11 somebody to have my back. I was trained as 12 a police officer. For so many years I 13 depended on these people to help save lives 14 together and also to have my back. I mean, 15 I couldn't survive on this job without the 16 trust. So am I going to turn around and 17 say, you know, "Hey, guys, that's 18 offensive," and then put up this wall that 19 they know, oh, okay, she's one of them, and 20 then they, you know, write that somewhere in 21 their minds. I at the time was not willing 22 to risk that, so.</p> <p>23 Q. Okay. Other than that particular 24 instance, was there anything else that</p>	<p>113</p> <p>1 A. Yes. 2 Q. Who did you tell? 3 A. I texted Lieutenant LaSalle, 4 because I was in court and he was at home. 5 Q. What did you tell him? 6 A. I don't have the text in front of 7 me, but I will tell you exactly what I could 8 recall at this time. 9 I had showed him the Dallas Cowboy, 10 previously, so I remember my conversation 11 sort of was like, Ruth sent out another mass 12 text message. I really don't recall exactly 13 what I said. But my basis was that they 14 were discriminating against me because the 15 fact that I am female, and I believe they 16 sent that to bring me down. They sent that 17 out to the whole division, I believe, just 18 to make me look bad because they didn't want 19 me to stand up for myself when I was talking 20 about the unfair rotation. That was... 21 Q. What was his response? 22 A. I'm just trying to think back. He 23 asked me if I confronted them. And I, uh, I 24 said to him that I texted Ruth because I</p>
<p>114</p> <p>1 happened at South Division that you 2 complained about to EEO?</p> <p>3 A. Okay. On August 22nd, Detective 4 Jackson showed me a text message with a 5 picture of an old lady holding a badge, and 6 at the bottom it said, "I'd rather work with 7 her than Michele." He said that he got it 8 from Detective Ruth, and he -- the text 9 itself was dated August 11th. And if you 10 recall from my prior testimony that I stood 11 up to them August 10th. So the very next 12 day they're sending that text picture about 13 me.</p> <p>14 He said to me, "They talk behind 15 your back." He was afraid, kind of telling 16 me, he's like, look, I really don't want 17 this to be known that I'm telling you, but, 18 he's like, you're a really nice person and 19 all they do is talk behind your back. I 20 just want you to know who your friends are. 21 And he showed me that, and it, uh, disturbed 22 me.</p> <p>23 Q. Did you at that point tell any of 24 your supervisors about that text message?</p>	<p>116</p> <p>1 hadn't seen Ruth in person. I'm trying to 2 think if there was anything else that he 3 said. And he said, I believe he said 4 something along the lines of that it was 5 uncalled for. But I'm not sure. 6 Q. Did he take any kind of 7 disciplinary action against Ruth or anybody 8 else? 9 MS. GURMANKIN: Objection to 10 form. 11 THE WITNESS: I don't believe 12 so, no. 13 BY MS. MORRIS: 14 Q. Going to go back to the Jerry Jones 15 photograph. You said that you showed that 16 to Lieutenant LaSalle? 17 A. Yes. 18 Q. What was his reaction? 19 A. He said that they were fucking 20 stupid. When I say "they," he was talking 21 about the squad. 22 Q. Did he talk to them about it? 23 MS. GURMANKIN: Objection to 24 form.</p>

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<p>1 THE WITNESS: I don't think 2 he did. But, again, I'm not his supervisor, 3 so I don't know what he does. But I don't 4 think he did.</p> <p>5 BY MS. MORRIS:</p> <p>6 Q. On either occasion did Lieutenant 7 LaSalle refer you to EEO or EAP or anything 8 like that?</p> <p>9 A. No.</p> <p>10 Q. Before, it looks like before -- 11 excuse me, August 7th, so on August 7th, 12 that's when Detective Ruth sent out this 13 photograph of Jerry Jones. August 10th, you 14 stood up for yourself and made the comment, 15 or made a complaint about unfair 16 distribution of work. And then on August 17 11th, that's when the photo of the old lady 18 with the badge came out?</p> <p>19 A. Well, on August 22nd is when 20 Detective Jackson showed me the, uh, text. 21 But on his phone it showed that it was 22 August 11th.</p> <p>23 Q. Okay. Prior to August 7th, did you 24 think that you were friendly or friends with</p>	<p>117</p> <p>1 you to the -- it was a group text, or 2 something along those lines, but it wasn't. 3 Because I didn't -- I never received that 4 one.</p> <p>5 Q. I don't understand. Are you saying 6 that he thought that he included you on one 7 of the texts, the old lady text?</p> <p>8 A. (Witness nods).</p> <p>9 Q. So, what did that--</p> <p>10 A. Yes.</p> <p>11 Q. -- imply?</p> <p>12 MS. GURMANKIN: Objection to 13 form.</p> <p>14 THE WITNESS: Could you 15 repeat the question?</p> <p>16 BY MS. MORRIS:</p> <p>17 Q. Yeah. What was your understanding 18 of Detective Ruth's message?</p> <p>19 A. He thought that he included me in 20 making fun of me. That was my 21 interpretation.</p> <p>22 Q. Did you at any point say something 23 like, don't act like we're friends and then 24 stab me in the back?</p>
<p>1 Detective Ruth and everybody else who was 2 the recipient of the text?</p> <p>3 A. No.</p> <p>4 MS. GURMANKIN: Objection to 5 form.</p> <p>6 BY MS. MORRIS:</p> <p>7 Q. You mentioned that you texted 8 Detective Ruth. When did you do that?</p> <p>9 A. Detective Jackson showed me this 10 text right as we were reporting off and I 11 was getting ready to go to, to go to court. 12 So once I clocked into court and everything, 13 got set up, checked on my case, I sat down 14 and texted Ruth and let him know that I had 15 seen it.</p> <p>16 Q. What'd you say to him? What'd you 17 say in the text?</p> <p>18 A. I, um, I would have to have it in 19 front of me, but, um, I said something like, 20 I don't know what brought this on, but I'm 21 not gonna put up with it, something along 22 those lines.</p> <p>23 Q. Did he respond?</p> <p>24 A. I think that he said, I attached</p>	<p>118</p> <p>120</p> <p>1 A. I think I may have said that, but 2 I'm not for sure. If you show me the text, 3 I'll...</p> <p>4 Q. Sure. From your recollection, what 5 other incidents did you complain about to 6 EEO in August of 2014?</p> <p>7 A. Okay, when I came back from 8 vacation, Detective John Ruth asked me where 9 I went for vacation. And I responded, 10 "Ocean City."</p> <p>11 And he said, "Oh," and he looked 12 around the room, making sure everybody was 13 watching him, because he thought he was a 14 comedian, "I thought you went to Hedonism."</p> <p>15 Now, I interpret Hedonism as a 16 vacation spot, Jamaica, where nudists and 17 swingers are there. And I said, "No, John, 18 I never go there. I'm married if you 19 forgot, I have a kid," and he's like, that's 20 an even better reason to go, something along 21 those lines.</p> <p>22 Q. Did he say anything further after 23 that point?</p> <p>24 A. Not that I could recall at this</p>

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1 time. 2 Q. Do you consider that to be crossing 3 the line? 4 A. I do. 5 Q. Did you report that comment to 6 anyone, before you filed your complaint with 7 EEO? 8 A. I'm not a hundred percent sure if 9 Lieutenant LaSalle was there. But, no, I, I 10 didn't report it before my EEO. 11 Q. Okay. Any other incidents or 12 comments or anything like that that you 13 included in your EEO complaint? 14 A. One night, what was the date, I'm 15 not sure of the date, Sergeant Black was 16 asking everybody if someone had Lieutenant 17 LaSalle's phone number. And people were 18 looking through their phones. And I was 19 closer to Sergeant Black, so I brought it 20 up, right up, handed it to him and said, 21 "Here you can use my phone." And he takes 22 it and he looks at the guys and he's like, 23 hold up, he ain't gonna say, "Hey, baby," 24 when he answers, is he? And everybody	121 1 dealing with at the time. 2 Q. When did he leave South Division? 3 A. I'm not sure. 4 Q. You said your captain was never 5 there. You're talking about Captain 6 Derbyshire? 7 A. Yes. I mean their hours are 8 different than, than ours. We work 12 to 8. 9 I think they work, like, 9 to 5. 10 Q. Yeah, that's right. You had his 11 cell phone number at the time, right? 12 A. No, I, I didn't have Captain 13 Derbyshire's phone number. 14 Q. You didn't know how to communicate 15 with the captain of your division? 16 A. Well -- 17 MS. GURMANKIN: Objection to 18 form. 19 BY MS. MORRIS: 20 Q. You can answer it. 21 A. No, that's, that's not true. I 22 could call the division when I'm done with 23 court, or when I want to go home and try to 24 take care of my baby. There is a way to	123 122 124

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1 included the captain, which, then, I spoke 2 with the captain. But, you know, you're not 3 just going to run to the captain. 4 BY MS. MORRIS: 5 Q. What exactly did you complain about 6 to Captain Nodiff? 7 A. I complained about harassment that 8 I was receiving with Steve Haraszkiewicz. 9 Q. What was that? What was the 10 harassment? 11 A. This happened a long time ago. 12 Q. When you were at South Division? 13 A. No. It was when I came back from 14 having my son. But I'm just trying to think 15 about some of the harassment. He said he 16 hated my baby picture. I had a picture of 17 my son on my file cabinet. It was like, I 18 hate the picture of your baby because it 19 reminds me of this place, and I hate this 20 place. He said that when he feels bad about 21 being a detective he just thinks about me 22 and he says, "Really, Michele, what kind of 23 detective are you?" Oh, what else? 24 Q. And when did he say these things to	125	1 A. No. 2 Q. Did you believe that you could not 3 then go above him in the chain of command to 4 report your complaints? 5 A. Well, I mean I was aware, but I was 6 afraid. And, I mean, I was right. You 7 know, when it, when it goes past a certain 8 point, things get, uh, things can get really 9 scary for female employees that complain. 10 And that's why nobody complains, one of the 11 reasons. 12 Q. What do you mean, things can get 13 scary for female employees who complain? 14 A. It's just, there's stories of, of 15 female officers and detectives that have 16 complained and nobody knows where they go. 17 Nobody has ever talked to them afterwards. 18 Nobody's ever seen them. They just, they 19 don't know where they went. It's like, they 20 just take them out of the loop. 21 Q. You don't -- do you mean, you don't 22 know where they're assigned, or whether 23 they're still living? What -- I don't 24 understand what you're saying.	127
1 you? 2 A. He said them when we were in 3 3 Squad. 4 Q. At South Division? 5 A. In, um, either late 2013 or early 6 2014. 7 Q. So after you came back from 8 maternity leave? 9 A. Right. 10 Q. So it would have been November or 11 December of 2013? 12 A. Or January, yes. 13 Q. And when did you tell Captain 14 Nodiff? 15 A. I'm remembering now that I think 16 the memo was dated January. I don't 17 remember the exact date, but it was January 18 2014. 19 Q. Okay. 20 A. So... 21 Q. Is it your understanding that you 22 reported to your lieutenant, and -- well, do 23 you feel that Lieutenant LaSalle was 24 properly handling your complaints?	126	1 A. Well, I mean I guess it depends on 2 how you want to take it, you know. I mean 3 you just don't see them anymore. Maybe, you 4 know, they're hidden in some secret unit, I 5 don't know. They're just they're gone. 6 Q. Who are these people? 7 A. It's been nobody that I've 8 personally known. But there have been 9 stories of people that have complained, and 10 people have said that you don't see or -- 11 see or hear from them again. 12 Q. Have you heard the names of, of the 13 women, even if you don't know them 14 personally? 15 A. Let me just think back, because 16 there's quite a few incidents. 17 Okay, for instance, Erica Ortiz. 18 She was my classmate, academy. At one 19 point, she was assigned to Northeast 20 Detectives. She made a complaint about the 21 captain, and I don't know where they sent 22 her, and I haven't seen her. It's just like 23 it never happened. 24 Q. Anybody else?	128

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1 But before you answer that, have 2 you attempted to reach out to her and you 3 can't make contact with her? 4 A. Well, it's not like we were in 5 great contact, anyway, it's just that I used 6 to see her often in court, and now I don't. 7 And usually the unit that you're previously 8 in, they would though where you went, and 9 they didn't know. I mean, my father didn't 10 know where she went, so. 11 Q. Well, when's the last time you were 12 at work? A year ago? 13 A. August of 2015. 14 Q. So, more than a year ago. So you 15 wouldn't be in court, right? You wouldn't 16 have been in court between August 2015 17 and -- 18 A. Well, I'm not talking about now. 19 I'm just using it as an example. 20 Q. Well -- 21 A. I'm talking about when I was 22 working. 23 Q. Okay. Because, I mean, you made a 24 serious statement that it can get scary for	129	1 that? 2 A. I don't know what I believed. Just 3 a comment that he made. 4 Q. Who, who said it? 5 A. Officer Bob Frame. 6 Q. Well, you're a detective now, I 7 mean, do you have any -- there are ways to 8 investigate where these people who make 9 complaints go, correct? 10 A. Well, like I said -- 11 MS. GURMANKIN: Objection to 12 form. 13 THE WITNESS: -- personally 14 knows know these people, so... 15 BY MS. MORRIS: 16 Q. What are the other names that 17 you've heard? 18 A. I can't recall any of their names. 19 It's just stories I've heard. 20 Q. Okay. 21 (Discussion held off the 22 record between defense counsel.) 23 (Whereupon, Exhibit V-2 was 24 marked for identification.)	131
1 female employees who complain, and you're 2 saying that Erica Ortiz made a complaint and 3 you haven't seen her since then. 4 Could you call the police 5 department and find out where she is 6 assigned? 7 A. Maybe that was a bad example. But 8 it's just that, throughout my career, people 9 that I don't personally know, because they 10 said, well, so-and-so used to be here and 11 they're not here anymore, because they made 12 a complaint about this person, well, where 13 did they go? We don't know. 14 And at one point when I was in the 15 24th District, and I was speaking with a 16 male officer, and he said, Did you ever 17 notice, like, the really good-looking 18 females, female officers, like, go, like, 19 somewhere and, like, nobody ever sees them, 20 like there's, like, this secret special unit 21 that nobody knows about? I was like, no, 22 I've never noticed that. And he was like, 23 yeah, pay attention. 24 Q. Do you believe him, when he said	130	1 BY MS. MORRIS: 2 Q. After you filed your EEO complaint 3 you were interviewed by lieutenant -- pardon 4 me, Sergeant Linneman, correct? 5 A. Yes. 6 Q. Did you have counsel at that point? 7 A. During my first interview, no. 8 Q. I'm going to show you a document 9 marked as V-2. Excuse me. Take a moment to 10 review that. 11 MS. MORRIS: Counsel. 12 THE WITNESS: You can... 13 BY MS. MORRIS: 14 Q. Okay. Is this the complaint -- 15 MS. GURMANKIN: Wait. Go 16 ahead, you can finish. 17 MS. MORRIS: Does your client 18 need more time to review it? Is that why 19 you said, "Wait"? 20 MS. GURMANKIN: Yes. She's 21 still looking at it. 22 THE WITNESS: Okay. 23 BY MS. MORRIS: 24 Q. You recognize this --	132

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1	A. Yes.	1	all the detectives are white males, and
2	Q. -- packet of documents? Is this a	2	Sergeant Black is a black male.
3	complaint you filed with the Philadelphia	3	Q. Understood.
4	Police Department's EEO office in -- on	4	A. Yeah.
5	August 25th, 2014?	5	Q. Okay. And a little below there, it
6	A. Yes.	6	says, "All assigned" -- "District/Unit of
7	Q. Okay. There's a couple other	7	Assignment: All assigned to South Detective
8	documents attached to this. Let's go page	8	Division"?
9	by page.	9	A. Yes.
10	A. Okay.	10	Q. You're referring to the gentlemen
11	Q. The first page, did you complete	11	that you, or the people that you referenced
12	this page?	12	above that?
13	A. Yes.	13	A. Yes.
14	Q. Okay. How about the second page?	14	Q. And you believe those are people
15	A. No.	15	that discriminated against you?
16	Q. The third page?	16	A. At the time, yes.
17	A. Sorry.	17	Q. Okay. And you said -- there's a
18	Q. Take your time.	18	spot that says "Date and Location of Last
19	A. Uh, yes.	19	Occurrence:" You said August 22nd, 2014 at
20	Q. Okay. And at the very bottom	20	South Division?
21	right, it's kind of page numbered "City,"	21	A. That is where South Division is
22	so, the fourth page is City004.	22	located.
23	Did you type this page?	23	Q. Yeah.
24	A. Yes.	24	A. I guess at the time that was the
	134		136
1	Q. Okay. And the next page?	1	very last occurrence.
2	A. Yes.	2	Q. Okay. And then it says, "Previous
3	Q. Okay. And the subsequent pages,	3	Action Taken by Complainant:" You completed
4	are those the typed-up interview that you	4	that part, right?
5	had with Sergeant Linneman --	5	A. Yes.
6	A. Yes.	6	Q. "Notified lieutenant, was advised
7	Q. -- on August 29th, 2014?	7	at EAP"?
8	A. That's correct.	8	A. Yes.
9	Q. Okay. Let's go back to the first	9	Q. And the "Corrective Action Sought:
10	page. At the very bottom, is that your	10	To no longer work beside individuals," what
11	signature and date and time?	11	do you mean by that?
12	A. Yes.	12	A. It was a typo. I meant to put: To
13	Q. And is that Sergeant Linneman's	13	no longer work beside the named individuals.
14	signature, if you know?	14	Q. Okay. So you didn't want to work
15	A. I believe it is.	15	with them anymore, correct?
16	Q. In the section that says "Name of	16	A. It wasn't that. It just, it's not
17	Individual Responsible for the Alleged	17	that I had any personal disregard for them.
18	Discrimination," you say, "John Ruth, James	18	It's just that those group of men, their
19	Priadka, Neil Aitken, all detectives, all	19	sexual discrimination and, and their sexual
20	white males, black male, Sergeant Black"?	20	harassment in that particular era was more
21	Do you mean all them or is this	21	than I had experienced in a long time.
22	limited to the South Division?	22	Q. So were you hoping that they would
23	A. No, I think that they asked me to	23	be transferred or were you looking for a
24	specify race. And I was just saying that	24	transfer?

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<p>137</p> <p>1 MS. GURMANKIN: Objection to 2 form.</p> <p>3 THE WITNESS: I don't know. 4 I really, at the time, I wanted it to be 5 addressed and for them to be trained as to 6 how to treat a woman, especially when she's 7 the only woman in the squad working with 8 males. You know, I don't know what their 9 answer was, but I was letting them know I 10 needed help.</p> <p>11 BY MS. MORRIS:</p> <p>12 Q. Do you think if those individuals 13 were trained that they would stop behaving 14 the way that they were?</p> <p>15 MS. GURMANKIN: Objection to 16 form.</p> <p>17 THE WITNESS: I don't know 18 that. But I know that they haven't been 19 trained. So until they're trained, I 20 wouldn't have that answer.</p> <p>21 BY MS. MORRIS:</p> <p>22 Q. What type of training did you think 23 that they should have received or should 24 still receive?</p>	<p>139</p> <p>1 form.</p> <p>2 THE WITNESS: As I said 3 before, very small block.</p> <p>4 BY MS. MORRIS:</p> <p>5 Q. Let's go to the second page of this 6 packet. It looks like they're, in addition 7 to you, Detective Priadka and Detective Ruth 8 are mentioned, and it has their assignment 9 dates. Is it fair to say that they were -- 10 let me back up.</p> <p>11 Is their assignment date the date 12 they're assigned to that division, to their 13 position or to the department, do you know?</p> <p>14 A. The appointment date is the day 15 that they sign up at the academy. 16 Technically, they're a police officer at 17 that time. But you're, you're really not 18 until you graduate. But the assignment date 19 is particularly what assignment you have, 20 like South Division.</p> <p>21 Q. Okay. So in your case, your 22 assignment date was the date that you also 23 became detective; is that correct?</p> <p>24 A. Your -- no.</p>
<p>138</p> <p>1 A. Any sexual harassment training 2 against female, any type of EEO-related 3 gender-based discrimination, anything would 4 be helpful.</p> <p>5 Q. You said I think before the lunch 6 break that these people, these individuals 7 should have known that their behavior 8 crossed the line; correct?</p> <p>9 A. Yes.</p> <p>10 Q. So would training help them, inform 11 them and educate them as to where the 12 appropriate line is?</p> <p>13 MS. GURMANKIN: Objection to 14 form.</p> <p>15 THE WITNESS: Well, like I 16 said before, I wouldn't have that answer 17 until they're trained.</p> <p>18 BY MS. MORRIS:</p> <p>19 Q. Well, they all went through the 20 academy, correct?</p> <p>21 A. They did.</p> <p>22 Q. And they received sexual harassment 23 training at the academy?</p> <p>24 MS. GURMANKIN: Objection to</p>	<p>140</p> <p>1 Q. Okay.</p> <p>2 A. Your appointment date is one that 3 stays with you throughout your career.</p> <p>4 Q. Right.</p> <p>5 A. And nobody really keeps in mind 6 when you were promoted. But this 7 appointment date is important to remember.</p> <p>8 Q. It's how long you're on the job --</p> <p>9 A. Yes.</p> <p>10 Q. -- right? So Detective Priadka has 11 been with the department since 1991?</p> <p>12 A. Yes.</p> <p>13 Q. And he's been assigned to Southwest 14 since 2007, but he could have been assigned 15 to Southwest as a police officer; is that 16 correct?</p> <p>17 MS. GURMANKIN: South 18 Division.</p> <p>19 MS. MORRIS: Yeah. You're 20 right.</p> <p>21 MS. GURMANKIN: South 22 Detectives.</p> <p>23 MS. MORRIS: South Detectives 24 Division.</p>

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<p>1 THE WITNESS: It looks like 2 he was assigned to South Detective Division 3 in October 2007. 4 BY MS. MORRIS: 5 Q. Okay. Are there only detectives 6 working at South Detective Division? 7 A. As far as any investigations that 8 come in through the door, active 9 investigations, detectives are the only ones 10 handling it. As far as other departments 11 within the division, such as the warrant 12 unit and people that have worked for the 13 inspector, they're police officers. But 14 they don't work with us, necessarily. 15 Q. Okay. 16 A. Yeah. 17 Q. Let's go to the third page, 18 City003. It says "See attached." Are they 19 attached, the two typed pages that are here? 20 A. Um, yes. 21 Q. The question is, in lieu of writing 22 on the lined paper, did you attach the 23 typewritten statements? 24 A. Yes.</p>	<p>141</p> <p>1 just goes on and on. 2 Q. You said there are stories that 3 happened to other people, people that you 4 didn't know personally, correct? 5 A. Yes. 6 Q. So if you don't know anybody who 7 that actually happened to, why did you feel 8 worried about your safety? 9 A. Well, I knew, in fact, that it was 10 a person because, for instance, somebody, 11 Officer Luciano works in the 9th District. 12 She was telling me about a girl that 13 complained about either a sergeant or a 14 lieutenant, and I remember at the time, um, 15 she said, although what he said to women was 16 disgusting, that's how she put it, she 17 should have never said anything to him, 18 that, nobody knows where she went, you know. 19 Q. What's her name? 20 A. If she said it, I don't remember. 21 But it's just an example of the things you 22 hear when people come forward, and not only 23 just that. 24 From the beginning, I didn't feel</p>
<p>1 Q. Okay. Okay, at the bottom of the 2 page that's stamped City005, the last 3 sentence says, "I no longer feel comfortable 4 or safe working at South Detective 5 Division." 6 We talked about things that made 7 you feel uncomfortable, but that's -- what 8 about safety? Why did you feel unsafe 9 working there? 10 A. Well, this was first time that I 11 complained. And they showed that they can 12 retaliate against you. I've witness -- I 13 witnessed that, firsthand. But what I'm 14 speaking about -- here. Okay. Yeah. So, 15 in other words, I complained about the 16 rotational wheel, and then all of a sudden 17 these text messages are coming out, you 18 know, trying to bring me down. 19 Q. But why does it make you fear for 20 your safety? 21 A. I have to go back to the stories 22 that I've heard. Your career is sabotaged, 23 the trust between your peers is broken. 24 You're labeled as a rat. I mean the list</p>	<p>142</p> <p>1 like I was accepted. From the beginning, I 2 knew I was in a sexist environment. From 3 the beginning, they judged me. I never felt 4 good enough. I was constantly criticized. 5 And I had to learn and, and watch from their 6 behaviors how to somehow develop a work 7 relationship to where that I could depend on 8 them for backup if I need it. And I, I just 9 observed their behavior and I would laugh at 10 their inappropriate jokes. And with that, 11 they, they learned to trust me. It never 12 got me any respect, but they trusted me. 13 I've taken what I've learned in the 14 24th District with me throughout my entire 15 career. It's like this unsaid thing. If 16 you complained, you like -- you may as well 17 quit. You may as well quit because your 18 career was ruined. 19 Q. It's okay. 20 A. And at the time, my career was my 21 life. So if my career was ruined, then my 22 life was ruined. You can't complain. 23 You can't imagine what it's like. I mean 24 this, these papers it doesn't explain it,</p>

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<p>1 you know. I wasn't at work writing down 2 documents, and getting people's names and 3 making sure things were factual. I was 4 living this life day to day trying to 5 survive. People do not come forward because 6 there's a real sense of fear that you will 7 be retaliated against. If not retaliated 8 against, you're sabotaging your own career. 9 Me, personally, I have a father on 10 this job who works his ass off, excuse me. 11 If I would have brought this up, he would 12 have got involved. It was quite possibly 13 going to affect his career. I have a 14 brother on this job.</p> <p>15 You can't complain enough. First 16 of all, they don't care. The bosses are 17 doing this kind of behavior. You've seen 18 how these top brass guys act. They just, 19 they brush it under the rug. Nobody cares. 20 You know? And I'm -- I wanted to set an 21 example here, one of the first females. And 22 you know what everybody is going to judge 23 me, that's fine. But I'm a worker. I love 24 my job, and I've always tried to get along</p>	<p>145</p> <p>1 THE WITNESS: Yeah, I'm 2 sorry. 3 MS. GURMANKIN: That's okay. 4 We'll take a quick break. 5 THE WITNESS: I'm, I'm sorry, 6 ladies. 7 MS. MORRIS: It's okay. 8 MS. GURMANKIN: Don't be 9 sorry. We'll take a quick break. 10 THE WITNESS: Yeah, yeah, 11 yeah. Yeah. 12 THE VIDEOGRAPHER: Hold on, 13 please. Off the video, off the video record 14 at 2:31. Hold on, please. 15 (Whereupon, a recess was 16 taken at this time.) 17 THE VIDEOGRAPHER: We're back 18 on the video record at 2:40. This is still 19 tape No. 2. 20 BY MS. MORRIS: 21 Q. Detective, before you started 22 working as a police officer, did you talk to 23 your brother or your father about what the 24 environment was like for a woman at the</p>
<p>1 with everybody. 2 It's just not fair anymore. I'm 3 not going to take it anymore. That moment I 4 decided not to take it, and I don't mean to 5 give a speech, was the day I became a mom. 6 And you said you're a mom. I got a little 7 bit more self worth about me. And I was 8 like, you know what, I got to be a better 9 person for me. I got to take care of me, 10 because if I can't take care of me, I can't 11 take care of this baby. 12 Now I have a daughter. I will look 13 my daughter in the eye and let her know you 14 don't let people push you around. If you 15 feel uncomfortable, you speak out, and you 16 speak out to the supervisor. And if the 17 supervisors say that she's in this 18 environment, which God hope, I hope she's 19 not, unless things are changed, you go 20 to -- you exhaust every single option you 21 can until you get healthy. Stand up for 22 yourself. I didn't have those tools. 23 MS. GURMANKIN: Should we 24 take a two-minute break?</p>	<p>146</p> <p>1 police department? 2 A. No, not that I recall. 3 Q. Did they ever warn you that it 4 might be difficult for a woman? 5 A. I can't recall any specific 6 conversations. I'd have to think about 7 that. 8 Q. Did your father ever try to talk 9 you out of taking the detectives exam? 10 A. No. My father talked me into it. 11 Q. So your family never told you that 12 it might be difficult for a woman, that 13 there are very few women in the police 14 department, it might be very difficult for 15 you because police officers, male police 16 officers don't respect female police 17 officers? 18 MS. GURMANKIN: Objection to 19 form. 20 THE WITNESS: During that 21 time, I was mostly talking to my father 22 about -- okay. Can I ask you, what are you 23 talking about specifically, before I joined? 24 BY MS. MORRIS:</p>

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1	Q. Yes.	1	there obviously, to me, political influence
2	A. Okay. I just wanted to clarify.	2	when it came to me going to the 9th
3	Q. Sure.	3	District.
4	A. Yeah, during that time when I was	4	BY MS. MORRIS:
5	thinking about joining, or trying to join,	5	Q. Okay. So someone was looking out
6	taking the test for it, my father had all	6	for you and granted a favor for you?
7	the faith in the world. And he's not	7	MS. GURMANKIN: Objection to
8	sexist, so, he didn't say anything about me	8	form.
9	having a hard time with it.	9	THE WITNESS: They can't
10	Q. You said that when you started at	10	grant you a favor if you didn't ask for it.
11	the 24th from the beginning you knew you	11	BY MS. MORRIS:
12	weren't accepted and you felt judged and you	12	Q. Okay. I'm not sure what you're
13	felt criticized. Why do you feel that way?	13	getting at. I don't know what you mean.
14	Excuse me.	14	But you were not prevented from making a
15	A. Hmm, um, it's a feeling, um, it's a	15	transfer, no one's blocked you from doing
16	feeling when you walk in the room and you're	16	what you wanted to do in that situation?
17	being stared at. This is just so many	17	A. In other words, you're saying
18	things. Comments that they say.	18	nobody blocked me from getting a transfer?
19	Q. Who's they?	19	Q. That's exactly what I'm saying.
20	A. We're in the 24th now, right, so	20	A. Okay, yeah, yes.
21	I'm talking about the peers, my peers, the	21	Q. And during the course of your
22	other officers.	22	career, you received letters of
23	Q. What would they say?	23	commendation, correct?
24	A. They would criticize, for instance,	24	A. Yes.
	150		152
1	how long it took me to show up at a job.	1	Q. And you were promoted from police
2	They would make fun of my woman driving	2	officer to detective, right?
3	sensibilities, in other words, I didn't know	3	A. Yes.
4	where I was going because I'm a woman.	4	Q. It's a --
5	Q. When you were at the 24th you	5	A. I mean, I wonder where you're going
6	received performance evaluations, correct?	6	with this.
7	A. Yes.	7	MS. GURMANKIN: Just answer
8	Q. Were they positive or negative?	8	the question.
9	A. All positive.	9	THE WITNESS: Yes.
10	Q. And when you put in for your	10	BY MS. MORRIS:
11	transfer at the 24th, you were eventually	11	Q. Just answer the question. I want
12	granted that transfer to the 9th, correct?	12	to go back to your statement that you felt
13	A. Yes.	13	that you were no longer safe working at
14	Q. You weren't prevented from	14	South Detective Division. You talked about
15	transferring?	15	retribution and fear of retaliation,
16	A. According to the transfer review	16	very emotionally.
17	board, I shouldn't have gotten that	17	I, I -- how do you know? Why did
18	transfer, because there was 25 people with	18	you feel for your personal safety? Were
19	much more seniority ahead.	19	you, were you concerned about bodily injury
20	Q. So you were rewarded with a	20	or harm?
21	transfer?	21	MS. GURMANKIN: Objection to
22	MS. GURMANKIN: Objection to	22	the form.
23	form.	23	THE WITNESS: Like, in other
24	THE WITNESS: There was a --	24	words, did I think I was going to be

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1 attacked? 2 BY MS. MORRIS: 3 Q. You said you did not feel safe 4 working there. I'm saying, I'm asking 5 you -- let's break it down. 6 Did you think that you were going 7 to be hurt, physically hurt, if you stayed 8 there? 9 A. I, I feel like I was already hurt. 10 Q. So, your safety, are you referring 11 to your emotional safety or physical safety? 12 A. Well, my emotional has become 13 physical. 14 Q. Okay. So let me ask you this 15 question. Did you feel like you were going 16 to be physically attacked, to use your word, 17 if you stayed at South Detectives? 18 A. Possibly. 19 Q. Who did you feel was going to 20 attack you? 21 A. I mean I recognize that's not a, a 22 thought someone else may have, but based on 23 my experience and my, uh, abuse, I had that 24 thought that it's possible.	153	1 So, I want to finish up with this 2 document. You said, "I no longer feel 3 comfortable or safe working at South 4 Detectives Division." 5 When you were at South Detectives, 6 did anyone physically harm you? 7 A. I, I have to say yes, because 8 emotionally they harmed me which has caused 9 physical pain. 10 Q. Detective, you know the difference 11 between assault and battery, right? Yes or 12 no? 13 A. No, I don't. I don't know the 14 difference. 15 Q. You don't know the difference 16 between -- 17 A. I don't know the difference between 18 emotional pain and physical pain. 19 Q. Okay. Let me ask it this way. 20 When you were at South Detectives, 21 did any police department employee put his 22 or her hands on you in a way that that hurt 23 you? 24 A. Yes.	155
1 MS. GURMANKIN: And who did 2 you think was going to attack you, was her 3 question? 4 THE WITNESS: Oh, 5 specifically, individual? I didn't have any 6 individuals in mind. I just thought it's a 7 possibility. 8 BY MS. MORRIS: 9 Q. And based on what experience? 10 A. Based on being sexually assaulted 11 by top command. 12 Q. But you didn't mention that. Is 13 this -- let me back up. Is this, August 14 24th, 2014, the first time that you 15 complained of any kind of harassment or 16 discrimination to the police department? 17 A. August... 18 Q. When you went to the EEO? 19 A. The very first time I made any 20 complaint was to Captain Nodiff. Any formal 21 complaint that's documented was to Captain 22 Nodiff, January 2014. 23 Q. Okay. So we will go back to that 24 point.	154	1 Q. That physically hurt you? 2 A. You're talking about, did any 3 Philadelphia police employee put their hands 4 on me and hurt me? 5 Q. When you were at South Detectives 6 Division? 7 A. When I was at South Detectives. 8 Okay. So you're breaking it down to that. 9 No. No one touched me. 10 Q. Did anyone say to you I'm going to 11 hit you? I'm going to punch you? I'm going 12 to kill you? I'm going to attack you? 13 Anything like that? 14 A. No. 15 Q. When you submitted this statement 16 and said you no longer feel comfortable or 17 safe, did you want to leave South Detectives 18 Division? 19 A. I wanted to be away from 3 Squad. 20 Q. Did you want to leave South 21 Detective Division? 22 MS. GURMANKIN: Objection, 23 asked and answered. But you can -- 24 MS. MORRIS: No, it's not.	156

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<p>1 MS. GURMANKIN: Yeah, it has 2 been. You can answer again. 3 THE WITNESS: No. I did not 4 want to leave South Division. 5 BY MS. MORRIS: 6 Q. Why didn't you say in your 7 statement that you didn't want to be in 3 8 Squad any longer? 9 A. Because I didn't want to put up 10 with the gender discrimination and the 11 sexual harassment. I had enough. I 12 couldn't handle it anymore. And that -- and 13 the most important thing, I wasn't willing 14 to put up with it anymore. 15 Q. My question is, if you didn't want 16 to leave South Detective Division and you 17 just wanted out of 3 Squad, why didn't you 18 put that in your complaint? 19 A. I'm sorry, could you repeat it? 20 Q. Mm-hmm. I asked you if you wanted 21 to leave South Detective Division. You said 22 no. Did you want to leave 3 Squad? 23 A. I actually, no, I didn't want to 24 leave 3 Squad because I needed that</p>	<p>157</p> <p>1 you quit? 2 A. That's what they wanted me to do. 3 This is what I'm talking about. You know, 4 they don't -- they want it to be an all-boys 5 club. They want to run things how they want 6 to run them. They don't want to follow 7 rules or respect women. 8 Q. So are you trying to say, by 9 staying, were you trying to prove a point? 10 A. No. I was trying to provide food 11 for my children. 12 Q. I'm going to get back to the 13 January complaint to your captain. But why 14 didn't you mention in this EEO complaint the 15 incident that happened when you were on the 16 24th, with the inspector? 17 A. Exactly what I said to you earlier. 18 Basically, during that time, right, I wasn't 19 married. I didn't have kids. I worked my 20 butt off in the academy. It took everything 21 I had. I was very proud of the fact that I 22 became a police officer. It's who I was. 23 It was the only thing that I was proud of 24 about myself. And it was a good job. I</p>
<p>1 schedule. Because my son, at the time my 2 mom was in the hospital and she was the one 3 watching my son. She was in the hospital, 4 so I needed the night shift. 5 Q. So you just didn't want to work 6 with the people that were harassing you, 7 correct? 8 A. Correct. I did not want to work in 9 an environment where I was being sexually 10 harassed and sexually discriminated against, 11 like I told you before. A week didn't go by 12 that something happened. I wasn't welcome 13 there. They didn't like me because I was a 14 female, you know. It's a boys club. They 15 didn't have a female in that squad before I 16 came. 17 Q. Okay. 18 A. They were pissed off from the 19 beginning. 20 Q. Why didn't you quit? 21 A. Why should I have to quit? 22 Q. I'm just asking you, why didn't you 23 quit? I'm not judging you. I'm not saying 24 you should have. I'm asking you, why didn't</p>	<p>158</p> <p>1 mean, my education, you know, where am I 2 going to go and have the opportunity to make 3 the money that I could make? 4 Q. I want you to focus on this 5 complaint. Why didn't you conclude in this 6 particular complaint the allegation against 7 Inspector Holmes? 8 A. Well, because if I would have 9 complained, okay, if I had complained, 10 right, my mom would have found, right, my 11 dad knows now chief inspector -- inspector 12 Holmes. Okay. How's he gonna handle that? 13 Very emotionally. I'm putting him in danger 14 by complaining, okay. He gets upset. My 15 brother, he might react maybe less 16 emotionally, but he's also going to back my 17 father. So what do you think is going to 18 happen to them when they confront inspect -- 19 then-Inspector Holmes? Is that going to go 20 well? 21 Q. Is your dad still on the job? 22 A. Yes. 23 Q. Is your brother still on the job? 24 A. Yes.</p>

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<p>1 Q. So you've complained, since this 2 report in 2014 you complained about the 3 incident -- 4 A. I'm telling you about -- 5 Q. I'm not finished my question. 6 A. Okay. Sorry. 7 Q. It's okay. You have since 8 complained about Inspector Holmes and your 9 dad and your brother are still on the job. 10 I'm asking you, why at this 11 particular time in 2014 did you not mention, 12 or what did you -- your answer to me was 13 that you were -- one of the reasons was 14 you're concerned about, I guess, presumably 15 retaliation or how your father and how your 16 brother were going to react. 17 Why is that different in 2014 to 18 later when ultimately do complain about 19 Inspector Holmes? 20 A. Because in 2007, I was a 21 22-year-old kid. You know, I, I had a 22 decision to make. But I only had one 23 choice. I needed to survive and my family 24 needed to survive.</p>	<p>161</p> <p>1 has nothing to do with that. 2 MS. GURMANKIN: She just, and 3 correct me if I'm wrong, Nicole, she just 4 wanted to know why you didn't include the 5 allegation about Inspector Holmes -- 6 MS. MORRIS: Yeah. 7 MS. GURMANKIN: -- in this 8 complaint. 9 BY MS. MORRIS: 10 Q. Yeah. At the end of your 11 statement -- 12 A. Oh, yeah. 13 Q. -- that question was asked by 14 Linneman: Is there anything else that you 15 would like to add to this that has not been 16 addressed in this interview? And you say 17 no. That's a perfect opportunity to talk 18 about lieutenant -- excuse me, Inspector 19 Holmes. Why didn't you mention it at that 20 time? 21 MS. GURMANKIN: Objection to 22 the form. 23 THE WITNESS: I don't think 24 it's a perfect opportunity. When he asked</p>
<p>162</p> <p>1 Q. Okay. So in 2007, you didn't 2 report immediately for that reason. But now 3 we are in 2014 and you're reporting other 4 instances -- 5 A. Okay. 6 Q. -- of sexual harassment. Why not 7 don't, in 2014, August of 2014, don't you 8 report it, Inspector Holmes' conduct? 9 A. I needed my employer to know 10 exactly what it has done to me. It's 11 changed who I am. This is why I haven't 12 complained. 13 Q. Two months later in October, excuse 14 me, my math is terrible, a couple months 15 later in October of 2014, you made a 16 complaint about Inspector Holmes. Why 17 couldn't you do it in Oct -- in August of 18 2014? 19 A. Oh, you're talking about the 20 initial? 21 Q. Yeah. You made -- 22 A. Okay. The City acts like, um, I'm 23 attacking them with these allegations. And 24 it's not because they transferred me. It</p>	<p>164</p> <p>1 that, he's, he's talking about within the 2 scope of this complaint. He's not saying, 3 Has anything else happened to you, Michele, 4 that you have deep emotional pain from? 5 BY MS. MORRIS: 6 Q. So why was it in October the 7 perfect time to mention it? 8 MS. GURMANKIN: Objection to 9 the form. 10 THE WITNESS: October what? 11 Because I thought that the second 12 complaint... 13 BY MS. MORRIS: 14 Q. On October 26, 2014, you went to 15 the federal, the EEOC, as opposed to EEO, 16 and in your complaint you said, "In and 17 around 2007, Carl Holmes, male, who was in 18 my chain of command, told me to come to his 19 office." And at that point, you divulged 20 the incident that happened when you were in 21 the 24th District; correct? 22 A. Yes. 23 Q. My question is still, what was it 24 that made you come forward in October of</p>

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	165		167
1	2014 with the Carl Holmes complaint?	1	MS. MORRIS: Cathy, there's
2	A. Because it's, it's all related. I	2	more than one page. 1002. Yes, it's
3	just feel like this wouldn't be happening to	3	City1002 to City1006. Thanks. Yeah.
4	me if it wasn't for that. He destroyed me.	4	(Exhibit V-3 was marked for
5	He crushed my spirit.	5	identification.)
6	Q. Then why didn't you say it in	6	THE VIDEOGRAPHER: Somebody's
7	August?	7	mic is buzzing. Is somebody getting a phone
8	A. Well, it was just I was more	8	call or something?
9	focused on these, and I hadn't made that	9	THE WITNESS: No.
10	connection. But really, truly, when he	10	(Whereupon, discussion was
11	asked that last question, I did not know he	11	held off the record between defense
12	meant over the last ten years of your	12	counsel.)
13	career. Because if he had asked that then I	13	THE VIDEOGRAPHER: It
14	would have answered it.	14	stopped. That's weird.
15	Q. When you went to the EEOC in	15	BY MS. MORRIS:
16	October, well, you went twice, you	16	Q. Okay. All right. Do you recognize
17	went -- multiple times, actually. You went	17	this document?
18	August 27, 2014, just two days after you	18	A. This looks like something from the
19	went to the EEOC. And, actually, I'm not	19	EAP.
20	ready to go there quite yet. I want to	20	Q. Right.
21	stick with this EEO complaint.	21	A. I never seen these before.
22	A. Okay.	22	Q. Okay. Did you go to EAP on August
23	(Discussion held off the	23	25th, 2014?
24	record between defense counsel.)	24	A. Yes.
	166		168
1	BY MS. MORRIS:	1	Q. And why did you go to EAP on the --
2	Q. Did you go to EAP before or after	2	on August 2014?
3	you went to EEO at the police department?	3	A. To get some guidance. I was not
4	A. I went to EAP in January 2014,	4	dealing with my feelings well.
5	right before I gave that memo to Captain	5	Q. Did you go before or after you
6	Larry Nodiff. And I'm trying to think about	6	stopped by and filed a complaint at EEO?
7	the EAP with this.	7	A. EEO internal affairs?
8	Q. Okay. I'm going to show you some	8	Q. Yes.
9	documents.	9	A. Wasn't that the 27th?
10	MS. MORRIS: Can you get the	10	Q. Based on your recollection. If you
11	copies for her?	11	look at V-2, the bottom of the page it's
12	MS. GHEE: Mm-hmm.	12	dated 8/25/14.
13	BY MS. MORRIS	13	MS. GURMANKIN: This is it.
14	Q. I'm going to show you a document	14	THE WITNESS: Oh. Okay.
15	I'm marking as -- give it. Give it back.	15	Okay, so, yeah. I wasn't sure if it was the
16	MS. GHEE: Okay.	16	same day, but now that that's clarified, I
17	MS. MORRIS: My hands are	17	went to EAP first.
18	working faster than my mouth right now. I'm	18	BY MS. MORRIS:
19	going to show you, I'm going to do this one,	19	Q. Okay. And what did you tell the
20	a document I'm marking V-3. I'll just do	20	EAP?
21	one at a time.	21	A. I started to tell a female corporal
22	MS. GHEE: Okay.	22	how I was feeling in my sexual
23	(Discussion held off the	23	discrimination work environment.
24	record between defense counsel.)	24	Q. Did you call in or did you stop by?

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	169		171
1	A. I called to make sure that I could	1	couldn't find the address to EEOC. But she
2	come, and they said, fine.	2	did tell me, tell those guys to knock it
3	Q. And when you came in you met with a	3	off, and if that doesn't work, then go to
4	female corporal?	4	your captain. She kind of -- I remember her
5	A. Yes.	5	saying, ah, don't go to EEO yet, like
6	Q. Okay. You don't remember what her	6	something along those lines.
7	name is?	7	Q. Okay.
8	A. I submitted it, but I cannot recall	8	A. I don't know if she was saying it
9	her name.	9	because it's too much on me. Whatever the
10	Q. If you turn to page, to the last	10	reason was, you know, that's my recollection
11	page it's marked City1006, at the bottom	11	of it.
12	there's a counselor's signature. It looks	12	Q. She wrote down here, "Client was
13	like Beard might be the last name, Corporal	13	open to options. Meeting with captain, FOP,
14	Beard?	14	IAB and EEOC."
15	A. Yes. That's it.	15	So did she suggest that you should
16	Q. Okay. It looks like it says,	16	meet with your captain?
17	"Client came in on her own volition	17	MS. GURMANKIN: Objection,
18	expressing work-related stress."	18	asked and answered. You can answer it
19	Is that an accurate description of	19	again.
20	how you came in and how -- and what you	20	THE WITNESS: I remember her
21	reported?	21	telling me that I should speak to my captain
22	A. As simply as one could describe the	22	if the knock-it-off comment didn't work.
23	situation.	23	BY MS. MORRIS:
24	Q. "Client states that a text of a	24	Q. Did she suggest to you to speak
	170		172
1	sexually explicit manner was," excuse me,	1	with your FOP?
2	"circulated at work that pertains to her.	2	A. No. These were things that I was
3	Client open" -- "openly spoke about the	3	telling her that I planned to do this. It
4	incidents with the proper mood and affect.	4	was not --
5	Client was open to option meeting with the	5	Q. Okay. So you told her you were
6	captain, FOP, IAB and EEOC. Two-week	6	planning to talk to your captain, you told
7	follow-up."	7	her you were planning to go to FOP?
8	At the session that you had with	8	A. (Indicates.)
9	Corporal Beard, did she recommend meeting	9	Q. Are those yesses?
10	with your captain?	10	A. Yes. Sorry.
11	A. I recall Corporal Beard to tell me	11	Q. You told her you planned to go to
12	to go back and tell those guys to knock it	12	IAB? Do you mean EEO at IAB, or do you mean
13	off, and, before I decided to go to EEO that	13	another part IAB?
14	I should let me captain know. And then when	14	A. I just said IAB.
15	I asked her where the EEOC building was, she	15	Q. Okay.
16	started looking for it, and then they just	16	A. I meant the same thing, EEO.
17	gave up. She didn't know. So that was --	17	Q. And you told her you were planning
18	that's my recollection.	18	to go to EEOC?
19	Q. So she didn't tell you -- she told	19	A. Yes. That's why I asked her for
20	you to meet with your captain before you	20	the address.
21	went to EEO? Is that correct?	21	Q. Okay. And then who suggested the
22	A. Yes, that's correct. But -- no.	22	two-week follow-up, you or her?
23	No, I'm sorry. I don't remember her telling	23	A. I didn't know about any two-week
24	me anything about EEO except that she	24	follow-up. If she told me that I forgot,

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<p>1 you know.</p> <p>2 MS. MORRIS: Okay. I'm going</p> <p>3 to mark a document V-4.</p> <p>4 (Whereupon, Exhibit V-4 was</p> <p>5 marked for identification.)</p> <p>6 BY MS. MORRIS:</p> <p>7 Q. Do you recognize this document?</p> <p>8 (Telephone ringing.)</p> <p>9 MS. MORRIS: That's really</p> <p>10 annoying, if you can just unplug that.</p> <p>11 THE WITNESS: I've never seen</p> <p>12 this before now.</p> <p>13 BY MS. MORRIS:</p> <p>14 Q. Okay. This document is dated</p> <p>15 September 8th, 2012 at the very top, okay.</p> <p>16 But if you look at the bottom it's dated</p> <p>17 September 8, 2014. And it looks like the</p> <p>18 same signature as the document before.</p> <p>19 Did you speak again with Corporal</p> <p>20 Beard on or about September 8, 2014?</p> <p>21 A. I do remember receiving one</p> <p>22 follow-up call, but it wasn't from Corporal</p> <p>23 Beard. It was from a male officer that I</p> <p>24 talked to in January of 2014. And I</p>	<p>173</p> <p>1 needed."</p> <p>2 A. Oh, my God.</p> <p>3 Q. Did that occur in your phone call?</p> <p>4 A. I'm sorry, I did not speak to this</p> <p>5 woman. I mean --</p> <p>6 Q. Okay. I'm asking about the</p> <p>7 substance of the note. Did you report that</p> <p>8 you had been transferred to another</p> <p>9 detective division?</p> <p>10 MS. GURMANKIN: Objection to</p> <p>11 form.</p> <p>12 THE WITNESS: I mean, I have</p> <p>13 absolutely no recollection of speaking to</p> <p>14 this woman.</p> <p>15 BY MS. MORRIS:</p> <p>16 Q. Okay.</p> <p>17 A. So...</p> <p>18 Q. In your conversation with Officer</p> <p>19 Ghee, did you inform him that you were --</p> <p>20 had been moved to another detective</p> <p>21 division?</p> <p>22 A. No. Because when he called, I</p> <p>23 don't know the exact date, but he didn't</p> <p>24 call that much later after I'd seen him.</p>
<p>174</p> <p>1 remember he called me, I don't know how long</p> <p>2 after, but he's like, Is everything okay?</p> <p>3 And I remember that conversation vividly.</p> <p>4 But no recollect -- no, I've no memory of</p> <p>5 speaking with the corporal.</p> <p>6 Q. Okay. Did you speak with an</p> <p>7 Officer Ghee?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Was that the conversation</p> <p>10 you were referring to?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And what did you tell</p> <p>13 Officer Ghee?</p> <p>14 A. I was telling him about the</p> <p>15 harassment, the sexual discrimination and</p> <p>16 harassment I experienced with Haraszkiewicz</p> <p>17 at work. And when he called, I didn't want</p> <p>18 to talk about it, you know, but I</p> <p>19 appreciated his call.</p> <p>20 Q. So this document says, "Client,"</p> <p>21 under "Client update: "Client states that</p> <p>22 she was moved to another detective division</p> <p>23 and things are going much better at this</p> <p>24 time. Client encouraged to call EAP if</p>	<p>176</p> <p>1 And I was at South up until that September.</p> <p>2 So, I know I wouldn't have told him that.</p> <p>3 Q. When did you see him?</p> <p>4 A. I seen him in January 2014. And he</p> <p>5 called me, I don't know, but it wasn't that</p> <p>6 long before I had seen him.</p> <p>7 Q. So did you get a call from anyone</p> <p>8 at EAP after you went in on August 25th?</p> <p>9 A. From my recollections, no.</p> <p>10 Q. Okay. You never heard from anyone</p> <p>11 at EAP after August 25th?</p> <p>12 A. From what --</p> <p>13 MS. GURMANKIN: Objection to</p> <p>14 form.</p> <p>15 THE WITNESS: -- I can</p> <p>16 recall, no.</p> <p>17 MS. MORRIS: Okay.</p> <p>18 THE WITNESS: Sorry.</p> <p>19 MS. MORRIS: Okay. I'm going</p> <p>20 to show you another document marked as V-5.</p> <p>21 (Whereupon, Exhibit V-5 was</p> <p>22 marked for identification.)</p> <p>23 MS. MORRIS: You have copies?</p> <p>24 MS. GHEE: Mm-hmm.</p>

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45 (Pages 177 to 180)

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	177 MS. MORRIS: Sorry, Cathy. COURT REPORTER: No problem. (Discussion off the record between defense counsel.) BY MS. MORRIS: Q. Did you go to EAP on January 2nd -- MS. GURMANKIN: Wait. BY MS. MORRIS: Q. -- 2014? MS. MORRIS: I'm just asking the question. It's not based on the document. MS. GURMANKIN: Okay. BY MS. MORRIS: Q. Did you go to EAP on January 2nd, 2014? A. Yes. Q. And when you were there, who did you meet with? A. Officer Ghee. Q. And what did you tell Officer Ghee? MS. GURMANKIN: Now you can finish looking at that. THE WITNESS: Yeah.	179 1 Haraszkiewicz at that time. 2 Q. Okay. So this is the day after New 3 Year's Day, and you said that you went to 4 EAP. It looks like you went at 1 o'clock, 5 is that -- 6 A. Yes. 7 Q. -- 1 o'clock in the afternoon? 8 A. So at this point, I haven't had any 9 sleep. 10 Q. Okay. 11 A. Since the day before. 12 Q. Okay. It says, "Client states that 13 she is being stressed out because she is 14 being harassed by a co-worker." And the 15 co-worker, co-worker is Haraszkiewicz? 16 A. At the time, yes. 17 Q. What -- how was he harassing you? 18 A. I recently found the document that 19 I submitted to Captain Nodiff. So all that 20 information is in there for you guys to see, 21 but... 22 Q. Sitting here now, do you recall 23 what -- 24 A. Yes.
	178 BY MS. MORRIS: Q. If you need the document to refresh your recollection you can say so. I'm asking you from memory. A. I just, I remember being so stressed out at that time. I was dealing with so, so many emotions. And I had a conversation with my brother and he told me to go to EAP. And I was just talking to Officer Ghee about what had happened on that particular day. Q. Particularly, January 2nd? A. In other words -- yes. It happened that night when we got done work. I was so upset about it, I couldn't calm down. I called my brother, and I still was very upset. So then I seen Officer Ghee. Q. Okay. What was incident that upset you? A. The sexual discrimination and harassment at work. Q. But you said something happened that day? A. Mostly, in particularly with	180 1 Q. Okay. What is it? 2 A. As I said to you earlier, he was 3 going on about my baby picture that I put up 4 on a cabinet. He said that I was on a 5 special schedule. He said he thought that I 6 thought I was special. That's all I could 7 recall. 8 Q. Okay. It also says -- 9 A. It's in the documents. You'll see 10 that. 11 Q. Okay. "In addition to job stress, 12 her mother recently suffered a stroke." 13 When had your mom suffered a stroke? 14 A. That's inaccurate. 15 Q. That didn't happen? 16 A. No. She, uh, it was an emergency 17 situation where she lost oxygen to her 18 blood. Initially, they thought she had a 19 stroke. So when my dad called me, he told 20 me that she had a stroke, and when he said 21 that I was, like, oh, my God. I freaked 22 out. 23 Q. So -- 24 A. Okay. So, he's probably just

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46 (Pages 181 to 184)

1 writing notes of how when I'm saying I'm 2 hearing this word "stroke" and how I reacted 3 to it. 4 Q. Okay. 5 A. It's just misinterpretation. 6 Q. Let me ask you this way. He's 7 recording what you're telling him, is that 8 correct? 9 A. Yes, as I'm talking -- 10 MS. GURMANKIN: Objection to 11 form. 12 THE WITNESS: -- to him -- 13 sorry -- he's taking notes. 14 BY MS. MORRIS: 15 Q. Okay. So you may have reported 16 that, in addition to what's happening at 17 work, your mom recently suffered a stroke; 18 is that correct? 19 A. No. I feel like I already 20 explained it. I was explaining to him in 21 detail what happened with my mom. 22 Initially, at the hospital, they thought she 23 had a stroke. I was just going through the 24 incident with him --	181 1 use," something, "if deemed necessary." I 2 don't know what that is. Do you? 3 MS. GHEE: PBI. 4 BY MS. MORRIS: 5 Q. PBI. Did you tell Officer Ghee 6 that you planned to meet with your 7 supervisor to discuss Haraszkiewicz's 8 behavior? 9 A. From what I recall, and I don't 10 have the documentation in front of me, but 11 I, I had texted Sergeant Hall, who was 12 Haraszkiewicz's directed -- direct 13 supervisor. And I texted him because he had 14 already left, and it wasn't just shortly 15 after we finished up. Sergeant Hall told me 16 to direct my complaint to Sergeant Hampton. 17 But Sergeant Hampton was on vacation. 18 Q. So, did you -- 19 A. That's what I recall. 20 Q. Did you follow up? 21 A. I don't know, because this happened 22 a long time ago and I don't have the 23 documentation in front of me, so. 24 Q. Okay. And then do you have a page	183 182 1 after that? 2 A. Yes. 3 Q. Dated February 11, 2014? 4 A. Yes. 5 Q. Okay. Did someone from EAP follow 6 up with you on that date? 7 A. Well, this was when Officer Ghee 8 followed up, what, four weeks later. 9 Q. So, yes -- 10 A. And this is the, from my 11 recollection, this is the only call I 12 received. 13 Q. So he writes, "Client states she is 14 doing much better since her EAP visit. She 15 states she is coping a lot better and does 16 not need further assistance at this time." 17 Is that accurate? 18 A. Mm-hmm. 19 Q. Is that a yes or a no? 20 A. It's accurate to what I said to 21 him. I no longer need EAP assistance from 22 this department. I was being polite. 23 (Discussion was held off the 24 record between defense counsel.)
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	185		187
1	MS. MORRIS: 6?	1	Q. Did you complete this form after
2	COURT REPORTER: Yes.	2	you went to EAP in August?
3	(Whereupon, Exhibit V-6 was	3	A. I'm not sure. Because I recently
4	marked for identification.)	4	recalled that I initially went to EOC August
5	(Discussion off the record.)	5	22nd, and I realize this because when
6	BY MS. MORRIS:	6	Detective Jackson showed me that text, the
7	Q. I'm going to show you a document --	7	picture of the old lady, I had texted
8	thank you, Cathy -- I marked as V-6.	8	Detective Ruth about it because I hadn't
9	MS. GURMANKIN: Nicole, this	9	seen him, but I confronted Kevin Conway
10	is highlighted. I don't know if that's	10	about it in the hallways of CJC, confronted,
11	yours, or you care.	11	asked him about it.
12	MS. GHEE: Oh.	12	I was really upset at that time,
13	MS. MORRIS: That's okay.	13	and I called my parents and I told them that
14	That's fine. Thank you.	14	I was thinking about going to the EEOC.
15	BY MS. MORRIS:	15	They supported me. When I went up, I may
16	Q. Take a moment to review it, please.	16	have filled this out. I'm not sure. I know
17	A. (Views document.)	17	I signed in. But I know that I left because
18	(Discussion held off the	18	I wasn't ready to file the complete form
19	record between defense counsel.)	19	that I wanted to file.
20	BY MS. MORRIS:	20	Q. Okay.
21	Q. Let me know when you're ready.	21	A. So...
22	A. Okay.	22	Q. Okay. Understood. In the Intake
23	Q. Okay. Do you recognize this	23	Questionnaire, is this your handwriting?
24	document?	24	A. Yes.
	186		188
1	A. Yes.	1	THE VIDEOGRAPHER: Your
2	Q. Okay. Is this the complaint you	2	microphone fell off.
3	filed with the US Equal Employment	3	MS. MORRIS: You don't want
4	Opportunity Commission?	4	know where it was attached. Thank you.
5	A. Uh...	5	THE VIDEOGRAPHER: There you
6	Q. Is it the Intake Questionnaire?	6	go.
7	A. I think it's my initial steps	7	MS. MORRIS: Thank you.
8	before I had counsel.	8	THE VIDEOGRAPHER: Thank you.
9	Q. Okay. So a better question is, is	9	BY MS. MORRIS:
10	this an Intake Questionnaire that you	10	Q. I don't know if you got this, but,
11	completed?	11	I'm sorry, Detective, is this your
12	A. Yes.	12	handwriting?
13	Q. And you were not represented by	13	A. Yes.
14	counsel at the time that you submitted this?	14	Q. Okay. On the second page, there
15	A. Yes.	15	are, under No. 5, 6 and 7, it says, "See
16	Q. That wasn't a helpful question. It	16	attached."
17	was double negatives.	17	Did you attach any handwritten or
18	Were you represented by counsel	18	typewritten, written notes?
19	when you completed this form?	19	A. If I had, then that would mean this
20	A. I was, I was not represented,	20	is probably, again, when I wasn't with
21	that's for sure.	21	counsel, and if I had, this must have been
22	Q. Thank you. So when did you	22	the day when I actually talked to somebody
23	complete and submit this form?	23	at EEOC, Warren something. I forgot, I
24	A. In August of 2014.	24	forget his name. But I attached what,

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1 exactly a copy of -- excuse me, I'm almost 2 certain a copy of what you guys have that's 3 attached to, what is this? Was this marked? 4 Q. Oh, the EEO complaint? 5 A. Yeah, the first initial complaints, 6 and the picture of a Dallas Cowboy owner 7 text, and, uh, that's, that's all I 8 remember. 9 Q. Okay. So it would be City 10 document, document marked City004 and 005? 11 A. Yes. 12 Q. And the photograph that, um, of 13 the, of Jerry Jones? 14 A. The text. 15 Q. That was texted, right? 16 A. Yeah. 17 Q. Okay. 18 A. The text. 19 Q. Okay. Thank you. 20 At the bottom of the page, under 21 No. 8, "Of the persons in the same or 22 similar situation as you, who was treated 23 better than you?" And it asks for: Name, 24 age, race, et cetera, job title, and	189	1 A. Because I was the only female. 2 Q. Okay. In the last page, No. 16, it 3 says, "Have you sought help about this 4 situation from a union, an attorney, or any 5 other source?" And you marked "Yes." 6 Who had you sought help from at 7 that point? 8 A. Well, at this time, I hadn't 9 counseled, for sure. I did not. So if I 10 said yes to this, it was probably the FOP, 11 because I reached out to them multiple 12 occasions. 13 MS. MORRIS: Hold that 14 thought. 15 THE VIDEOGRAPHER: Hold on, 16 please. Off the video record at 3:31. Hold 17 on. 18 (Whereupon, discussion was 19 held off record.) 20 THE VIDEOGRAPHER: Back on 21 the video record at 3:32 p.m. 22 BY MS. MORRIS: 23 Q. Detective, who did you speak with 24 at the FOP about your concerns?	191
1 description of treatment. 2 You wrote "Better" under 3 "Description of Treatment" next to 4 everybody's names. Why did you do that? 5 What did you mean by that? 6 A. I'm just basically saying that I'm 7 being discriminated against based on my 8 gender. 9 Q. Are you saying that they're being 10 treated better than you? 11 A. Yes. 12 Q. Okay. Okay. Then the next page, 13 it says, "Of the persons in the same or 14 similar situation as you, who was treated 15 worse than you?" You say, "None." 16 Is that correct? 17 A. Well, at the time I was the only 18 female. I mean maybe if there was another 19 female she would have been treated worse, I 20 don't know. But, yes, that's correct. 21 Q. Okay. And, "Of the persons in the 22 same or similar situation as you, who was 23 treated the same as you?" You wrote, 24 "None." Why did you write, "None"?	190	1 A. I spoke to numerous reps, the names 2 I provided. They're submitted. At this 3 time, I can't recall. 4 Q. Okay. 5 A. So... 6 Q. Did you go to the union hall? Or 7 where did you speak to the representatives? 8 A. It was, uh, I never went -- I never 9 want to say never. But I don't recall going 10 in person. It was all phone calls. 11 Q. Okay. And what did you tell the 12 representatives? 13 A. I called them about almost all of 14 the incidents. I remember calling them when 15 Captain Derbyshire informed me that he was 16 trying -- detailing me to Southwest for my 17 protection. I remember I called them for 18 that, hysterical. 19 I called them, oh, I was having a 20 serious problem when I was between six to 21 nine months pregnant, I had a serious issue 22 with the traveling time it took to get to 23 Southwest. And the FOP told me that they 24 have moved other male employees when it	192

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1 comes to physical inabilities at a certain 2 time. There was numerous phone calls about 3 that. That's all I can recall at this time. 4 Q. Okay. What did, um, what advice 5 did they give you? 6 A. From what I can recall, they were 7 attempting to get ahold of different chiefs, 8 and even they were getting the cold 9 shoulder. 10 Q. Different chief inspectors? 11 A. Yes. 12 Q. Okay. Did they seem outraged by 13 your complaints? 14 MS. GURMANKIN: Objection to 15 form. 16 THE WITNESS: They were very 17 upset by it, yes. 18 BY MS. MORRIS: 19 Q. Do you think they were surprised? 20 A. No, they didn't seem surprised, at 21 all. 22 Q. Are the people that we've been 23 talking about, Detective Ruth, Detective 24 Priadka, and the other detectives, are they	193	1 (Discussion held off the 2 record between defense counsel.) 3 BY MS. MORRIS: 4 Q. I'm going to hold off jumping into 5 that document for now. 6 Detective, when you -- what was 7 your expectation? What were you hoping 8 would happen after you filed this, the 9 charge, your Intake Questionnaire and the 10 charge of discrimination in August 2014? 11 A. That my complaints would be 12 addressed appropriately. That's all I asked 13 for. 14 Q. Did the EEOC explain to you the 15 authority it had or, or what the next steps 16 would be once you filed your complaint? 17 A. Not that I recall. I remember him 18 saying he would call me back and let me 19 know, something along those lines. 20 Q. Why did you go to the EEOC? How 21 did you become aware of the EEOC? 22 A. I actually don't recall if -- if I 23 had to guess, I probably looked it up myself 24 via the Internet. It's not hard to fine.	195
1 all members of FOP as well? 2 A. Yes. 3 Q. Couldn't the FOP have reached out 4 to them and, and counseled them? 5 MS. GURMANKIN: Objection to 6 form. 7 THE WITNESS: I don't know. 8 BY MS. MORRIS: 9 Q. Going back to question 16, besides 10 the union, did you seek help from any other 11 source? Excuse me. 12 A. Okay. So, let me just think. 13 Q. Sure. 14 A. Besides the EAP, FOP, I don't 15 believe at this time that there was any 16 other source. 17 Q. The EAP, I didn't mention that, so 18 thank you. 19 Okay. When you submitted this 20 Intake Questionnaire and then the couple of 21 attached pages that we discussed, did you 22 also submit a charge at that time? 23 A. I believe I did. Yes. 24 Q. Okay.	194	1 Q. Did anybody tell you or suggest to 2 you that you should go to the EEOC? 3 A. Actually, I think I got the idea, 4 Sergeant Hampton said he made a complaint 5 about the Captain Nodiff, and he was talking 6 about feds, and he said how much better they 7 are as investigators and that they don't 8 take sides, and it's just better to have an 9 unbiased party. 10 Q. Did you say Sergeant Hammon? 11 A. Hampton. 12 Q. Hampton, I'm sorry. Sergeant 13 Hampton filed a complaint against Captain 14 Nodiff? 15 A. Yes. 16 Q. Do you know what the basis of that 17 complaint was? 18 A. He didn't, he didn't get into 19 details. But from what he explained, it was 20 a race discrimination. Sergeant Hampton is 21 black. Captain Nodiff is white. 22 Q. How did the two of you get onto 23 this conversation? 24 A. I don't know. It was just a --	196

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<p>1 just a, you know, general conversation. 2 Q. Were -- was this discussion at 3 work? 4 A. Yes. 5 Q. Did he just say, hey, I filed a 6 complaint against Nodiff and I think the 7 feds are better at investigating, or, what 8 was the substance of the conversation? 9 A. Sergeant Hampton talked a lot. I 10 remember I was sitting in the office, 11 probably discussing something about work. I 12 don't know what the connection was. 13 Q. Did you say that you wanted to file 14 a complaint? 15 A. I don't, um, I don't think it was 16 that. I truly can't remember at this time. 17 Q. Do you remember when you first 18 became aware that the EEOC existed? 19 A. I remember looking it up. Exactly 20 how I looked it up, I don't remember. But I 21 know it wasn't -- Sergeant Hampton did tell 22 me 8th and, uh, Market, you know. But he 23 had put the thought into my mind about the 24 feds and what he had said about them.</p>	<p>197</p> <p>1 2 C E R T I F I C A T E 3 4 5 I, CATHERINE T. McLAUGHLIN, Certified 6 Court Reporter and Notary Public, certify 7 that the foregoing is a true and accurate 8 transcript of the testimony as taken 9 stenographically by and before me at the 10 time, place and on the date herein before 11 set forth. 12 I DO FURTHER CERTIFY that I am neither 13 a relative nor employee nor attorney nor 14 counsel of any of the parties to this 15 action, and that I am neither a relative nor 16 employee of such attorney or counsel, and 17 that I am not financially interested in the 18 action.</p> <p>19 20 Catherine T. McLaughlin, 21 22 Certified Court Reporter 23 and Notary Public 24</p>
<p>198</p> <p>1 Q. When did you have this conversation 2 with him? 3 A. It was sometime before my 4 complaints, uh, but... 5 Q. Was it in 2014? 6 A. Very likely, or the end of 2013. 7 That's when I first came back. 8 MS. MORRIS: Okay. I think 9 this is a good spot to end. 10 THE VIDEOGRAPHER: Okay. 11 MS. MORRIS: Thank you. 12 THE VIDEOGRAPHER: Hold on, 13 please. 14 THE WITNESS: Oh. 15 THE VIDEOGRAPHER: This now 16 concludes this portion of the deposition at 17 3:43. This completes tape No. 2. Hold on, 18 please. Thank you, we're clear. 19 --- 20 21 22 23 24</p>	

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1 (Pages 200 to 203)

200	202
<p>IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA</p> <p>---</p> <p>MICHELE VANDEGRIFT, : Plaintiff, : Civil Action vs. : No. 2:16-cv-02999-MAK</p> <p>CITY OF PHILADELPHIA, : Defendant. : --- WEDNESDAY, NOVEMBER 23, 2016 ---</p> <p>Continued Oral Videotape Deposition of MICHELE VANDEGRIFT, taken pursuant to Notice, at the City of Philadelphia Law Department, One Parkway Building, 1515 Arch Street, Philadelphia, Pennsylvania, at approximately 9:19 a.m., before Catherine T. McLaughlin, RPR, CCR and Notary Public.</p> <p>---</p> <p>CLASS ACT REPORTING, LLC 2149 South 3rd Street 133 H Gaither Drive Philadelphia, PA 19148 Suite H (215) 928-9760 Mount Laurel, NJ 08054 www.classactreporting.com (856) 235-5108 classact@classactreporting.com</p>	<p>1 I N D E X 2 WITNESS: PAGE 3 MICHELE VANDEGRIFT 4 BY MS. MORRIS 205 5 6 E X H I B I T S 7 No. Description Page 8 V-7 Screenshot string, top page 252 9 JUL 29, 2014 AT 1:33 PM, two pages 10 V-8 Screenshot string, top page 262 11 10:56 AM MMS, two pages 12 V-9 Screenshot string, top page 267 13 08/07/2014 Thu, three pages 14 V-10 Philadelphia Police Department 319 15 Request form, one page 16 V-11 Memorandum to Commanding 325 Officer From Det. Michele 17 Vandegrift, Subject: Request to Rescind Transfer, one page 18 V-12 Philly.com article, Posted: 361 November 07, 2012, three pages 19 V-13 Philly.com article, Posted: 364 October 25, 2013, three pages 20 V-14 Statement of: Det. Michele 368 Vandegrift, dated 12-12-14, Internal Affairs, ten pages 21 V-15 Statement of: Det. Michele 376 Vandegrift, 3-13-15, Internal Affairs, four pages 22 23 24</p>
201	203
<p>1 APPEARANCES: 2 CAREN N. GURMANKIN, ESQUIRE Of Console Law Offices LLC 3 1525 Locust Street Ninth Floor 4 Philadelphia, Pennsylvania 19102 (215) 545-7676 5 gurmankin@consolelaw.com 6 Counsel for Plaintiff 7 8 NICOLE S. MORRIS, CHIEF DEPUTY CITY SOLICITOR KIA GHEE, ASSISTANT CITY SOLICITOR City of Philadelphia Law Department 9 Labor and Employment Unit 1515 Arch Street 10 16th Floor Philadelphia, Pennsylvania 19102 11 (215) 683-5075 nicole.morris@phila.gov 12 Counsel for Defendant 13 14 ALSO PRESENT: 15 Ron Sherr, Videographer 16 17 18 19 20 21 22 23 24</p>	<p>1 E X H I B I T S (Continued) 2 No. Description Page 3 V-16 Statement of: Detective 378 Michele D. Vandegrift, 4 05-19-15, Internal Affairs, six pages 5 6 V-17 Handwritten document, one page 380 7 8 R E Q U E S T 9 PAGE LINE 10 382 16 11 387 6 12 13 14 15 16 17 18 19 20 21 22 23 24</p>

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APPENDIX 459

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Michele Vandegrift

2 (Pages 204 to 207)

<p>1 VIDEO OPERATOR: This is the 2 videotape deposition of Michele Vandegrift 3 taken by Nicole Morris, Esquire, in the 4 matter of Michele Vandegrift versus City of 5 Philadelphia, in the Federal Court, Eastern 6 District of Pennsylvania, 16-2999. 7 This deposition is being held 8 at 1515 Arch Street, Philadelphia, PA, on 9 November 23rd, 2016. My name is Ron Sherr 10 from the firm of Class Act Reporting, with 11 offices in Mount Laurel and Philadelphia, 12 PA. I'm the videographer. The reporter is 13 Cathy McLaughlin, also from Class Act 14 Reporting.</p> <p>15 We're going on the video 16 record at 9:20. This is a continuation of 17 a former deposition, so this is now tape 18 No. 3, and reminding the witness she is 19 still under oath.</p> <p>20 Will the counsel please 21 identify themselves for the record, please.</p> <p>22 MS. MORRIS: Nicole Morris 23 for the City of Philadelphia.</p> <p>24 MS. GURMANKIN: Caren</p>	<p>204</p> <p>1 Q. Is there any specific reason or 2 anything that's happened since the last 3 deposition? 4 A. No. 5 Q. Okay. Since your last deposition 6 have you spoken with your attorneys about 7 your deposition testimony? 8 A. No. 9 Q. Great. I wanted to pick up where 10 we left off, which was the EEO complaint, 11 the complaint that you filed with the police 12 department as opposed to the federal 13 commission. Okay? 14 A. Yes. 15 Q. In your Intake Questionnaire you 16 stated in the narrative, in the narrative 17 section, that you felt unsafe and 18 uncomfortable at work, specifically, "I no 19 longer feel comfortable or safe working at 20 South Detective Division." 21 Why did you write that? 22 A. Because I was afraid of 23 retaliation. 24 Q. Why did you fear retaliation?</p> <p>205</p> <p>1 A. Because I finally complained. 2 Q. Were you afraid of -- what kind of 3 retaliation did you think would happen? 4 MS. GURMANKIN: Objection to 5 form. Go ahead. 6 THE WITNESS: I wasn't 7 actually sure what would happen. I was 8 afraid of what was going to happen. I 9 remember asking Sergeant Linneman at the 10 time, Do you think they'll do something to 11 my car? I was just in fear. 12 BY MS. MORRIS: 13 Q. Who did you mean by "they," when 14 you asked, Do you think they will do 15 anything to my car? 16 A. Referring to the males in 3 Squad 17 that I had complained about at the time. 18 Q. And specifically who were they? 19 A. John Ruth, Detective Priadka, 20 Detective John Frei, Detective Jimmy 21 Conway -- I'm sorry, Kevin Conaway, 22 detective -- Detective Haraszkiewicz, 23 Detective Hobbs. Just give me one more 24 second.</p>
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1 Q. Sure. 2 A. Sergeant Black, Sergeant Hampton, 3 Lieutenant LaSalle, Detective Aitken. I 4 believe those were all the parties that were 5 involved at the time of that particular 6 complaint. 7 Q. Did anyone do anything to your car? 8 A. No. 9 Q. Do you know whether all the 10 individuals you just named were aware that 11 you had gone to EEO? 12 A. At the time I said that I wasn't 13 feeling safe and secure in the building, 14 yes, because I believe that was the time 15 when Detective Kerwin let me know what the 16 3 Squad guys were saying about me, and I 17 could see how 2 Squad was treating me, which 18 was completely opposite of how we used to 19 interact. 20 I used to work at 2 Squad. We got 21 along quite well. However, after Detective 22 Kerwin told me what had happened, suddenly 23 we were strangers. They turned their back 24 on me. They wouldn't speak to me. They	208	1 identify the individuals who were saying 2 these things? 3 A. He didn't really want to say. 4 Q. So he did or he didn't mention any 5 names? 6 A. I can't one hundred percent sure 7 say if he mentioned a couple names. I don't 8 want to say because I'm not positive. I 9 don't remember if he said, specifically, 10 names or not. 11 Q. So at this time you don't recall 12 whether or not he mentioned any specific 13 names? 14 A. That's right. 15 Q. Do you know whether Detective Ruth 16 knew that you had gone to EEO? 17 A. Just give me a second to think 18 about, um... yes, absolutely, I mean, um... 19 Q. How? 20 A. After I went to EEO, I had a 21 conversation with my captain. 22 Q. Which captain? 23 A. Captain Derbyshire. Shortly 24 thereafter, I was subpoenaed for a court	210
1 didn't even want to act like I was in the 2 room. 3 Q. What specifically did Kerwin tell 4 you had happened? 5 A. From my recollection he comes up to 6 me, he's like, you wouldn't believe what the 7 squad is saying about you, they're saying 8 that you were fucking the lieutenant and 9 stabbed him in the back because you made a 10 complaint, they told me not to trust you. 11 He said, supposedly, they had this big 12 meeting about you, they said this new 13 detective is coming, she made an EEO 14 complaint. 15 I said, Why did they say new, I 16 used to work in 2 Squad, they know me very 17 well. But they were just like, you know, 18 watch what you say, people, she made an EEO 19 complaint. Just from him saying that seems 20 really inappropriate how they addressed what 21 had happened, especially since they didn't 22 have all the details. 23 Q. Did Detective Kerwin mention who 24 was in the group, who, who were -- did he	209	1 notice that all the members of the squad 2 could see. 3 Q. For what? 4 A. Also, there's no way Detective 5 Kerwin would have known that I made an EEO 6 complaint, well, besides the meeting with 2 7 Squad. 8 Q. Let's go back to Jon Ruth. 9 A. Okay. 10 Q. You said that you got a court 11 notice that everybody would have seen. 12 Court notice for what? 13 A. The EEO investigation. 14 Q. Okay. When did you get that court 15 notice? 16 A. I don't remember the dates. 17 Q. Okay. Do you know for a fact 18 whether or not Detective Ruth saw that court 19 notice? 20 A. I can't be a hundred percent 21 positive. 22 Q. Would the court notice have said, 23 this is a court notice to come to internal 24 affairs regarding your EEO complaint?	211

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4 (Pages 212 to 215)

1 A. In so many words, it would say that 2 you are not the complainant, that you are 3 not the target, it's an EEO investigation 4 and you're here to be -- you're summoned 5 here to be at this time and date and you do 6 not need counsel. 7 Q. Where -- on the court notice it 8 would say all that? 9 A. Yes. 10 Q. Where did the court notices come 11 in, when you were at South Division? Where 12 did the court notices come in? 13 A. Through the printer. I don't 14 remember the location. But you can also 15 just pull it up on a computer, any of the 16 computers will pull up the court for any day 17 of the year, for the -- 18 Q. Any -- 19 A. -- division. 20 Q. Excuse me, I'm sorry. So any 21 detective can go in and access internal 22 affairs EEO court notices for you? 23 MS. GURMANKIN: Objection to 24 form.	212 1 know whether or not he knew? 2 A. Well, I wouldn't say that. I 3 believe all of them knew, because I was told 4 that they were talking about it. 5 Q. Okay. So let's -- I'm breaking it 6 down, by person. Specifically, do you know 7 for sure whether or not Priadka knew that 8 you had filed an EEO complaint? And if he 9 did, when did he know that? 10 MS. GURMANKIN: Objection to 11 the form. You can answer. 12 THE WITNESS: I'm sorry, 13 could you just repeat it? 14 BY MS. MORRIS: 15 Q. Did Detective Priadka know -- what 16 is, what is your evidence that Detective 17 Priadka knew that you had filed a complaint 18 with EEO? 19 A. Other than Detective Kerwin telling 20 me that they were all talking about me -- 21 Q. Right. 22 A. -- and I said, who, and he said, 3 23 Squad, that's my evidence. 24 Q. When did Kerwin tell you this?	214
213 1 THE WITNESS: Specifically 2 summoning me to be at court? Yes. 3 BY MS. MORRIS: 4 Q. The court notice that we're talking 5 of that you received from internal affairs, 6 I'm asking -- 7 A. They could see. 8 Q. -- I'm asking you if detectives, 9 we'll start with Detective Ruth could go 10 into the computer and pull that out and see 11 a court notice that mentioned all the things 12 that you just mentioned? 13 A. Absolutely. 14 Q. Do you know if he did that in this 15 case, Detective Ruth? 16 A. I don't know. 17 Q. Okay. How about Detective Priadka, 18 do you know if he knew specifically that you 19 had filed an EEO complaint? 20 A. After I made the EEO complaint, I 21 wasn't around these guys unless we were in 22 court. So I don't know what if anything 23 they did. 24 Q. So your answer is that you don't	213 1 A. I don't know the specific date, but 2 I believe it was the first day I was in 2 3 Squad. 4 Q. And you don't recall when you were 5 in 2 Squad? 6 A. It was the end of August, August 7 26th, 2014, something like that. I just 8 can't recall at this time the exact date. 9 Q. You filed your complaint with EEO 10 on August 25th. Do you recall whether or 11 not your conversation with Kerwin was a day 12 later, two days later, a week later? 13 A. Hmm. It was either the 26th or 14 27th, but I can't remember the exact date. 15 Q. When did you get your court notice 16 to go to internal affairs for your 17 interview? 18 A. I don't remember -- 19 MS. GURMANKIN: Objection to 20 form. 21 THE WITNESS: -- that date. 22 BY MS. MORRIS: 23 Q. When did you go to internal affairs 24 for your interview?	215

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1	MS. GURMANKIN: Objection to	1	fear altogether. I really didn't want to
2	the form.	2	come forward with the complaint. But I
3	THE WITNESS: I don't	3	couldn't deal with that work environment
4	remember that date.	4	anymore. So, I knew I had to come forward
5	BY MS. MORRIS:	5	and complain.
6	Q. What evidence do you have that	6	BY MS. MORRIS:
7	Detective Frei knew that you had filed your	7	Q. Were you represented by counsel at
8	EEO complaint?	8	that time? Did you have an attorney?
9	A. Based on Detective Kerwin telling	9	A. The first time? No.
10	me what 3 Squad told him.	10	Q. And I'm sorry, I asked you and you
11	Q. What is your evidence that	11	answered, I already forget. Did you tell
12	Detective Conaway knew that, Conway or	12	Captain Derbyshire that you had filed a
13	Conaway, excuse me, knew that you had filed	13	complaint, or did someone else?
14	an EEO complaint?	14	MS. GURMANKIN: Objection to
15	A. Based on what Detective Kerwin told	15	form.
16	me that 3 Squad told him.	16	THE WITNESS: Right after I'd
17	Q. Okay. Same question about	17	left internal affairs, I called Captain
18	Haraszkiewicz?	18	Derbyshire in my car. So, it was fairly
19	A. Based on what Detective Kerwin told	19	likely that he heard it first from me.
20	me.	20	BY MS. MORRIS:
21	Q. Detective Hobbs?	21	Q. Okay. And what did you tell him?
22	A. What Detective Kerwin told me.	22	A. I told him that, um -- let me try
23	Q. Sergeant Black?	23	to recall this conversation. I was upset.
24	A. What Detective Kerwin told me.	24	I think I was crying because, you know, for
	217		219
1	Q. Sergeant Hampton?	1	years I never wanted to complain. I was
2	A. What Detective Kerwin told me.	2	just scared to death of it, like this is not
3	Q. Lieutenant LaSalle?	3	something that you do in this department, if
4	A. Lieutenant LaSalle was probably	4	you want to be happy in your job. Well, I
5	aware because I imagine the captain would	5	probably wouldn't have called my captain,
6	call him about this.	6	but based on advice that I got from a
7	Q. Do you know for sure whether the	7	lieutenant --
8	captain told Lieutenant LaSalle that you had	8	MS. GURMANKIN: Just, do you
9	filed --	9	remember what --
10	A. No.	10	THE WITNESS: Oh, okay.
11	Q. -- an EEO complaint? And,	11	MS. GURMANKIN: -- what you
12	Detective Aitken? What's your evidence that	12	said to him?
13	he was aware that you filed an EEO	13	THE WITNESS: I'm sorry. I
14	complaint?	14	called him, I said, look, I'm having a lot
15	A. Based on what Detective Kerwin told	15	of problems in 3 Squad, I just want you to
16	me.	16	know, sir, that I made an EEO complaint and
17	Q. When you filed your EEO complaint,	17	that I plan to go to the EEOC and make a
18	you said that at the time you filed it that	18	complaint with them. He was like, well,
19	you feared for your safety.	19	he's like, I'm not sure what you could tell
20	Did you fear for your safety at	20	me but can you, like, break it down for me
21	that very moment, or that -- or, when?	21	what happened?
22	MS. GURMANKIN: Objection to	22	I was like, well, there's
23	form.	23	gender discrimination and not being fair
24	THE WITNESS: I was just in	24	with the wheel rotation, and I said, there's

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<p>220</p> <p>1 sexual harassment going on, they sent me a 2 picture that was in sexual -- of sexual 3 nature, and the girl I believe looked just 4 like me, and I don't know who they sent it 5 to, but I believe they sent it to the whole 6 division, and I just wanted to let you know. 7 He was upset. He sounded 8 irritated. He was like, look, I'll call you 9 back. I guess he wanted to find out, you 10 know, information.</p> <p>11 BY MS. MORRIS:</p> <p>12 Q. Did he tell you what, what he was 13 going to do?</p> <p>14 A. I, from what I can recall at this 15 point, I believe it was more like, let me 16 see what's going on first. It wasn't a 17 conversation of, this is how I'm going to 18 address things. It was more of a 19 conversation, let me see what's going on 20 first.</p> <p>21 Q. Did you speak to him after that 22 point about your EEO complaint?</p> <p>23 A. Yes. Um...</p> <p>24 Q. When?</p>	<p>222</p> <p>1 to another division? 2 A. During that time, no. 3 Q. Okay. So when he asked you, is it 4 okay to move, and you said yes, did you move 5 at all? 6 A. He said something like, okay, I'm 7 trying to figure out where to put you, would 8 you like to go -- 9 Q. Detective, listen to my question. 10 Did he move you? 11 A. Yes. 12 Q. Okay. Where did he move you? 13 A. To 2 Squad. 14 Q. Okay. And when was that? In 15 relation to his call to ask you is it okay 16 to move you, when were you moved to 2 Squad? 17 A. I don't know the exact date. 18 Q. Okay. Within a day? Couple of 19 days? Couple weeks? 20 A. Uh, a couple days. I remember the 21 conversation was... 22 Q. Detective? 23 A. ...I want to keep you in B group. 24 Q. Detective?</p>
<p>221</p> <p>1 A. He said he would call me back that 2 day, but I don't believe he did. He called 3 me back and said, listen, here's what we're 4 going to do. From what I recall today, he 5 said something like, we can't move all those 6 guys out of there, would you be okay if I 7 moved you, something to those lines -- to 8 that effect. And I said, sure, absolutely. 9 I thought, if they're not going to move the 10 guys, I definitely don't want to stay there. 11 Q. Where did you have this 12 conversation with him? 13 A. I was at my house, and he called my 14 cell phone. 15 Q. When did you have the conversation? 16 A. Oh, when? It wasn't the day I got 17 out of internal affairs because I remember 18 waiting for his call, and he didn't get back 19 to me. I don't know, maybe the next day, 20 maybe two days later, I'm not sure. 21 Q. Is it fair to say within a few days 22 that he returned your call? 23 A. Yes. 24 Q. Okay. And did you, excuse me, move</p>	<p>223</p> <p>1 A. It's related to the conversation. 2 I want to keep you in B group, and you can 3 start on this day. So, it's probably a 4 couple days. 5 Q. Okay. I want to move through this 6 so we can get it done. Certainly, I don't 7 want to interrupt you if you have relevant 8 information. I'm trying to focus the 9 conversation. 10 I want to go back to the 24th 11 District. On the first day of your 12 deposition, you said that from the very 13 beginning you knew you weren't accepted. 14 Do you mean as soon as you joined 15 the police department, or when you were at 16 the 24th? What specific point in time do 17 you -- were you referring to? 18 A. I was specifically talking about 19 the 24th District. 20 Q. And when did you start to feel that 21 way? 22 A. From the moment I stepped in the 23 door. 24 Q. Why?</p>

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<p>224</p> <p>1 A. Into the building. A few male cops 2 turned around and looked at me. They looked 3 me up and down. 4 Q. I'm sorry, who did? 5 A. A few male officers. 6 Q. Okay. Anything else? 7 A. It was a general feeling of 8 uncomfortableness. You could tell they were 9 immediately sizing me up, looking me up and 10 down, what's this female about, what kind of 11 female rookie is she going to be, that type 12 of thing. 13 Q. But there were other females at the 14 24th at that time, correct? 15 A. I believe so. 16 Q. Did anyone say to you, you don't 17 belong? 18 A. During that day, specifically? 19 Q. When you were in the 24th? 20 A. Oh. 21 Q. I'm asking you about the time that 22 you said that you felt like you didn't 23 belong. I'm asking you what, what did you 24 feel or what did you observe or witness that</p>	<p>226</p> <p>1 that when you walked in the door a few males 2 looked you up and down sizing you up. What 3 else? 4 A. You're speaking of the specific 5 day, correct? 6 Q. No, I'm not talking about a 7 specific day. I'm talking about, that was 8 your -- I said to you, when did you feel 9 that you weren't accepted? You said, the 10 moment I stepped in the door. And I'm 11 asking you, what led to that conclusion? If 12 it was one day, if it was three weeks, 13 please tell me. 14 A. Okay, so you're asking about my 15 entire, what, approximately three, four 16 years in the 24th District, what happened to 17 me that made me feel like I didn't belong, I 18 wasn't accepted, I was worthless, all this? 19 Q. If that's part of what goes into 20 your conclusion, then, yes. 21 A. Okay. Well, not a week, and I'd 22 love to say not a day went by where I didn't 23 experience some sort of gender 24 discrimination or sexual harassment, whether</p>
<p>225</p> <p>1 led you to have that conclusion? 2 MS. GURMANKIN: Objection to 3 form. 4 THE WITNESS: Can you 5 rephrase? 6 BY MS. MORRIS: 7 Q. You don't understand my question? 8 A. Well, it's kind of broad. 9 MS. GURMANKIN: It was two 10 different questions. 11 MS. MORRIS: I'm asking the 12 witness a question, Ms. Gurmankin. 13 MS. GURMANKIN: And my 14 objection was, it was about three different 15 questions. 16 MS. MORRIS: I'm finding it 17 very difficult that she didn't hear the 18 question, or understand the question, but 19 will be happy to repeat. 20 BY MS. MORRIS: 21 Q. You stated that from the moment you 22 stepped into the 24th you felt like you 23 didn't belong. I'm asking you for the 24 reasons why you felt that way. You listed</p>	<p>227</p> <p>1 it was myself or another female officer, 2 female witness, female complainant, female 3 prisoner. It was demeaning, inappropriate, 4 barbaric comments made constantly. 5 Q. But you didn't report any of this 6 until -- 7 MS. GURMANKIN: Wait. 8 BY MS. MORRIS: 9 Q. -- 2014, correct? 10 MS. GURMANKIN: Wait a 11 second. You can finish your answer, 12 Michele. 13 MS. MORRIS: Ms. Gurmankin, 14 this is my deposition. 15 MS. GHEE: This is 16 inappropriate. 17 MS. GURMANKIN: One of you 18 talks. 19 MS. GHEE: I'll talk to you 20 whenever I want to. 21 MS. GURMANKIN: You're 22 interrupting her. 23 MS. MORRIS: Listen, when 24 I'm -- if you want to make an objection,</p>

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<p>1 that's fine. You don't need to have a 2 speaking objection.</p> <p>3 MS. GURMANKIN: I will when 4 you interrupt her, Nicole. You asked her a 5 question. She was in the middle of it. You 6 don't interrupt her.</p> <p>7 BY MS. MORRIS:</p> <p>8 Q. Do you have anything more to add?</p> <p>9 MS. GURMANKIN: Go ahead.</p> <p>10 THE WITNESS: I lost my train 11 of thought, um...</p> <p>12 BY MS. MORRIS:</p> <p>13 Q. I want to go back to the first 14 question, which is -- your statement, 15 actually, which is, the moment you stepped 16 in the door. So I guess in response to your 17 question, yes, when you stepped in the door 18 on that day, what was it that made you feel 19 that you did not belong?</p> <p>20 A. Okay.</p> <p>21 MS. GURMANKIN: Objection, 22 asked and answered. Go ahead.</p> <p>23 THE WITNESS: Specifically on 24 that day?</p>	<p>1 BY MS. MORRIS: 2 Q. Did you report this to anyone at 3 the time? 4 A. No. 5 Q. Did you ever report your treatment 6 at the 24th with respect to the first few 7 days that you were there? 8 A. Besides 2014? 9 Q. Ever? Did you ever report the, the 10 behavior that you just described to anyone? 11 A. Yeah, I believe I submitted 12 something about what it was like the first 13 day I walked in. 14 Q. To whom? 15 A. To my lawyers, I submitted -- 16 MS. GURMANKIN: Don't talk 17 about that. 18 THE WITNESS: Okay. 19 BY MS. MORRIS: 20 Q. To the police department? 21 A. On the specific day, no. 22 Q. Regarding the specific day? 23 A. My first day of work? 24 Q. Right.</p>
229	231
<p>1 MS. MORRIS: Yes.</p> <p>2 THE WITNESS: Okay. So when 3 I walked in the door, it was the sneers, it 4 was the glares, it was the stares, it was 5 the judgmental glances. I remember being 6 shuffled into the operations room, in a 7 corner. They told me to sit there. I 8 forget who it was. There was an older male 9 officer that came back and started asking me 10 what I was doing there. He was trying to be 11 funny, I guess, to get away with it, but it 12 was just coming off mean and, like, you 13 know, what do you think you're doing here, 14 kid, you know, what kind of cop do you think 15 you're going to be? Things of that nature, 16 I remember that.</p> <p>17 BY MS. MORRIS:</p> <p>18 Q. Was it based on your gender? Were 19 his comments based on your gender?</p> <p>20 MS. GURMANKIN: Objection to 21 form.</p> <p>22 THE WITNESS: Yes. Because I 23 remember he was -- he kept on referring to 24 me as a little girl.</p>	<p>1 A. No. 2 Q. You mentioned on your first day of 3 the deposition that you didn't have any 4 friends when you were -- you didn't have any 5 friends on the police department when you 6 were in the 24th District. Is that correct? 7 A. Yes. 8 Q. But you at the time dated a 9 coworker, Charles Buck; correct? 10 A. Well, when you ask me about 11 friends, I didn't take that to mean a 12 boyfriend. I took that to mean a general 13 term. 14 Q. And do you know whether or not your 15 coworkers knew that you were dating Officer 16 Buck? 17 A. I was aware, yes. 18 Q. How do you know? 19 A. As I previously said at my last 20 deposition, there was rumors within my squad 21 that I was in a sexual relationship with 22 him. 23 Q. Were you? 24 A. At the time that they said it? No.</p>

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1	Q. Okay. When did they say it?	1	Q. What did you do -- where were you
2	A. They said it immediately, um, after	2	assigned between September 20th, 2013 and
3	we started dating.	3	November 18, 2013?
4	Q. Which was when?	4	A. I'm sorry, could you repeat that?
5	A. I don't remember the year.	5	Q. Yes. Where were you assigned
6	Q. How long did you date? How long	6	between September 20th, 2013 -- excuse me,
7	did you -- how long did you date?	7	September 2013 and November 18, 2013?
8	A. You asked me this question before.	8	A. That was, I was on maternity leave.
9	I don't remember.	9	So, technically, I was still with 2 Squad,
10	Q. Okay. A year?	10	but I had not yet been assigned to 3 Squad.
11	MS. GURMANKIN: Asked and	11	I'm not sure of the exact date I was
12	answered. You can answer again.	12	assigned to 3 Squad, sometime in November.
13	MS. MORRIS: Mm-hmm.	13	Q. Okay.
14	THE WITNESS: I don't	14	A. 2013.
15	remember exactly how long it was.	15	Q. Okay. And when you were in 3
16	BY MS. MORRIS:	16	Squad, excuse me, that's the squad where you
17	Q. How long after you started dating	17	worked with Detective Ruth; correct?
18	did you have a sexual relationship?	18	A. Yes.
19	A. I don't remember.	19	Q. And did you socialize with
20	Q. And when you started having a	20	Detective Ruth?
21	sexual relationship, did you share that	21	A. I talked to Detective Ruth. I
22	information with anybody at work?	22	wouldn't say I socialized.
23	A. No.	23	Q. Did you socialize with Detective
24	Q. Do you know if Mr. Buck did?	24	Frei?
	233		235
1	A. Specifically that we were dating?	1	A. I would say I didn't socialize with
2	Q. No. That you were having a sexual	2	any of them.
3	relationship?	3	Q. Did you discuss any personal
4	A. Not that I'm aware, no.	4	business with them?
5	Q. Okay. When did your assignment at	5	MS. GURMANKIN: Objection to
6	South Detective Division start?	6	form.
7	A. December 19th, 2011.	7	THE WITNESS: Personal
8	Q. Okay. And what was your initial,	8	business regarding family?
9	initial shift?	9	BY MS. MORRIS:
10	A. I was in 2 Squad, 2B, 8 to 4 for	10	Q. Anything not related to work?
11	two weeks, then it switches to 4 to 12 for	11	A. Yeah, I probably complained about
12	two weeks.	12	the lack of sleep that I was getting.
13	Q. How long were you in 2 Squad?	13	Q. Who had you complained to?
14	A. Approximately two to three years.	14	A. Could have been anybody.
15	Q. Okay. How long were you in 2	15	Q. Anything else that you had talked
16	Squad, 2B? Excuse me.	16	to him that was personal?
17	A. From December 19, 2011 to September	17	A. No.
18	2013.	18	Q. Did you talk with your coworkers,
19	Q. Were you in 2B the entire time you	19	by coworkers I mean the other detectives,
20	were in 2 Squad?	20	about family matters?
21	A. I believe, yes, I was.	21	A. Sometimes.
22	Q. And when did you move to 3 Squad?	22	Q. What did you tell them?
23	A. I'm not sure that this is the exact	23	A. It depends.
24	date, but November 18th, 2013 comes to mind.	24	Q. What kind of family matters did you

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<p>1 tell them?</p> <p>2 A. I remember sometime during the time</p> <p>3 I was in 3 Squad my mom was hospitalized,</p> <p>4 and I may or may have not talked about that.</p> <p>5 Q. With whom?</p> <p>6 A. To any of them. I can't recall any</p> <p>7 specific conversations.</p> <p>8 Q. Did you ever tell any of your</p> <p>9 coworkers that you had childcare issues?</p> <p>10 A. I probably did.</p> <p>11 Q. Who would you have told?</p> <p>12 A. I don't remember such</p> <p>13 conversations, so it's hard to say who I</p> <p>14 said that to.</p> <p>15 Q. Did you tell any of your coworkers</p> <p>16 that your mother-in-law had become ill and</p> <p>17 moved in with you?</p> <p>18 A. No.</p> <p>19 Q. Did your mother-in-law become ill</p> <p>20 and move in with you?</p> <p>21 A. No.</p> <p>22 Q. Did your mom move in with you?</p> <p>23 A. No.</p> <p>24 Q. So while you were in South</p>	<p>1 on the job, and decided to have it at my</p> <p>2 house.</p> <p>3 Q. Did you distribute fliers for this</p> <p>4 event?</p> <p>5 A. Yes.</p> <p>6 Q. Did you plan, when you moved to 3</p> <p>7 Squad, to have a pool party with the members</p> <p>8 of 3 Squad?</p> <p>9 A. No.</p> <p>10 Q. Did you ever discuss with Detective</p> <p>11 Ruth the possibility that he would rebuild</p> <p>12 your deck at your home?</p> <p>13 A. I recall conversation on -- asking</p> <p>14 Detective Ruth about advice because my deck</p> <p>15 is in need of repair. So, he's a</p> <p>16 contractor -- or, so he says, he's a</p> <p>17 contractor on the side. So I was just kind</p> <p>18 of picking his brain --</p> <p>19 Q. When was that?</p> <p>20 A. -- about it.</p> <p>21 Q. Excuse me. When was that</p> <p>22 conversation?</p> <p>23 A. It had to be early 2014 or</p> <p>24 thereafter.</p>
237	239
<p>1 Detective Division your mother didn't live</p> <p>2 with -- live with you?</p> <p>3 A. No.</p> <p>4 Q. What squad were you in when you</p> <p>5 worked with Lieutenant D'Angelo?</p> <p>6 A. That would be the 9th District,</p> <p>7 when I was in 2 Squad.</p> <p>8 Q. Thank you. When you were in 2</p> <p>9 Squad, did you socialize with your coworkers</p> <p>10 there?</p> <p>11 A. There were approximately one to</p> <p>12 three times when we got together for</p> <p>13 Christmas parties, promotion parties, and</p> <p>14 anniversary parties, people with 40-plus</p> <p>15 years on.</p> <p>16 Q. Did you ever host a pool party at</p> <p>17 your house for your coworkers?</p> <p>18 A. In the 9th District?</p> <p>19 Q. In the 2 Squad itself, Detective</p> <p>20 Division?</p> <p>21 A. Yes.</p> <p>22 Q. When was that?</p> <p>23 A. I believe it was 2012. It was a</p> <p>24 party for a detective celebrating 35 years</p>	<p>1 Q. Okay. Did you ever make plans for</p> <p>2 him to come over and actually repair your</p> <p>3 deck?</p> <p>4 A. No.</p> <p>5 Q. But you're aware that he does</p> <p>6 contracting work for his coworkers?</p> <p>7 A. Yes.</p> <p>8 Q. And that Detective Conaway does</p> <p>9 plumbing?</p> <p>10 A. I was aware that he knew about</p> <p>11 plumbing, but I wasn't aware that he helped</p> <p>12 anybody with that.</p> <p>13 Q. Were you friends on Facebook with</p> <p>14 the members of 3 Squad?</p> <p>15 A. Yes.</p> <p>16 Q. During what time period?</p> <p>17 A. I'm not sure exactly when, but you</p> <p>18 can say from the time I was assigned to 3</p> <p>19 Squad to maybe the spring. I'm not sure.</p> <p>20 Q. Spring of what year?</p> <p>21 A. 2014.</p> <p>22 Q. Okay. And did you send Facebook</p> <p>23 requests to the members of 3 Squad or did</p> <p>24 they send them to you?</p>

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11 (Pages 240 to 243)

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<p>1 A. I don't remember.</p> <p>2 Q. Did you ever have a conversation</p> <p>3 with members of 3 Squad, some of the members</p> <p>4 of 3 Squad in which Steve Haraszkiewicz</p> <p>5 walked out of the conversation?</p> <p>6 A. I don't recall such conversation at</p> <p>7 this time.</p> <p>8 Q. Okay. You don't recall at the time</p> <p>9 when he got up and left the room in the</p> <p>10 middle of a conversation?</p> <p>11 MS. GURMANKIN: Objection,</p> <p>12 asked and answered. You can answer again.</p> <p>13 THE WITNESS: No, I don't.</p> <p>14 BY MS. MORRIS:</p> <p>15 Q. When you were in South, in 3 Squad,</p> <p>16 and you had to leave the office to</p> <p>17 investigate jobs, did anyone go with you?</p> <p>18 MS. GURMANKIN: Objection to</p> <p>19 form.</p> <p>20 THE WITNESS: It depends. If</p> <p>21 it was a crime scene and I needed help, yes.</p> <p>22 If I just had an interview, say at a</p> <p>23 hospital or something like that, no.</p> <p>24 BY MS. MORRIS:</p>	<p>1 that he was pompous and condescending, they</p> <p>2 thought that, uh, he was a better detective</p> <p>3 than everyone else. 3 Squad kind of looked</p> <p>4 at him like the leader.</p> <p>5 Q. Was he a good detective?</p> <p>6 MS. GURMANKIN: Objection to</p> <p>7 form.</p> <p>8 THE WITNESS: He wasn't a bad</p> <p>9 detective.</p> <p>10 BY MS. MORRIS:</p> <p>11 Q. Was he competent?</p> <p>12 MS. GURMANKIN: Objection to</p> <p>13 form.</p> <p>14 THE WITNESS: I would say.</p> <p>15 BY MS. MORRIS:</p> <p>16 Q. Was he efficient?</p> <p>17 MS. GURMANKIN: Same</p> <p>18 objection.</p> <p>19 MS. MORRIS: There's no --</p> <p>20 there's no basis for your objection.</p> <p>21 MS. GURMANKIN: There is.</p> <p>22 MS. MORRIS: And you're</p> <p>23 coaching the witness.</p> <p>24 MS. GURMANKIN: No, I'm not,</p>
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<p>1 Q. Okay. Who would go with you when</p> <p>2 you would investigate a crime scene?</p> <p>3 MS. GURMANKIN: Objection to</p> <p>4 form.</p> <p>5 THE WITNESS: That also</p> <p>6 depends. It depends on who's available,</p> <p>7 who's not -- basically, who's available.</p> <p>8 BY MS. MORRIS:</p> <p>9 Q. Did you ever go out with Detective</p> <p>10 Ruth?</p> <p>11 A. Yes.</p> <p>12 MS. GURMANKIN: Objection to</p> <p>13 form.</p> <p>14 BY MS. MORRIS:</p> <p>15 Q. Did you ever wait around the</p> <p>16 division and wait until he was available</p> <p>17 before you went out to a crime scene?</p> <p>18 A. I don't remember doing that.</p> <p>19 Q. What was Detective Ruth's</p> <p>20 reputation as a detective when you were in</p> <p>21 South Detectives?</p> <p>22 A. Hmm. The general impression that I</p> <p>23 got, reputation from the other coworkers,</p> <p>24 the 2 Squad, everybody pretty much relayed</p>	<p>1 Nicole. What criteria are you using?</p> <p>2 That's the basis for the objection.</p> <p>3 MS. MORRIS: In her opinion.</p> <p>4 MS. GURMANKIN: Okay, well,</p> <p>5 you didn't say that.</p> <p>6 MS. MORRIS: Well, if she</p> <p>7 doesn't understand it, she can ask me.</p> <p>8 MS. GURMANKIN: And I'm</p> <p>9 making my objections for the record. You</p> <p>10 can answer the question.</p> <p>11 THE WITNESS: Efficient in</p> <p>12 his own way, meaning, he'll get it done when</p> <p>13 he feels like he'll get it done.</p> <p>14 BY MS. MORRIS:</p> <p>15 Q. For the more complicated jobs</p> <p>16 assigned to him --</p> <p>17 A. Yes.</p> <p>18 Q. -- why do you think that is?</p> <p>19 A. Because he had a deal with</p> <p>20 Detective Priadka that if Priadka manned the</p> <p>21 desk that Detective Ruth would put Priadka's</p> <p>22 name and payroll on the job, and to ensure</p> <p>23 that Detective Priadka also made court.</p> <p>24 Q. How were you aware of this deal?</p>

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12 (Pages 244 to 247)

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<p>1 A. They told me. 2 Q. Who's they? 3 A. Detective Ruth and Detective 4 Priadka. 5 Q. What do you mean, made court? 6 A. When you handle a case, there's 7 court notices generated from certain cases, 8 and any court notice that you are subpoenaed 9 for while you're last out working all night, 10 it's all overtime because all the court 11 notices are in the morning. So the more 12 court notices you have, the more overtime 13 money you generate.</p> <p>14 Q. How do you get court noticed for a 15 job? 16 A. It depends. 17 Q. Please elaborate. 18 A. Okay. Sometimes an officer will 19 bring you an arrest that you just basically 20 process. You'll get court for that. 21 Sometimes the officers will bring you in a 22 job that you need to investigate, you get a 23 search warrant for. I'm sorry, you get an 24 arrest warrant for, you execute the arrest</p>	<p>1 domestics. But, you know, I just came back. 2 I'm not too sure about that. But, yeah, 3 back then domestics, they had just came out 4 with this new form. And because of this, 5 the overtime was cut in half. Because they 6 had the information on the form they didn't 7 need the investigator.</p> <p>8 Q. When you were in 3 Squad, were you 9 assigned new jobs?</p> <p>10 A. Yes. 11 Q. Were you assigned arrests? 12 A. Yes. 13 Q. Were you assigned dead jobs? 14 A. Yes. 15 Q. Was Detective Ruth assigned new 16 jobs? 17 A. Yes. 18 MS. GURMANKIN: Objection to 19 form. 20 BY MS. MORRIS: 21 Q. Was Detective Ruth assigned 22 arrests? 23 A. Yes. 24 MS. GURMANKIN: Objection to</p>
245	247
<p>1 warrant, you get a court notice for that. 2 You could get court notices for a 3 number of things. Mostly when it comes to 4 arrests and how involved you were with the 5 case, if you interviewed somebody that had 6 to do with the case you could get a court 7 notice for that. There's a number of 8 reasons.</p> <p>9 Q. When would assignments not lead to 10 a court notice?</p> <p>11 A. What they call dead jobs. 12 Investigations that, even if you one hundred 13 percent thoroughly investigated it, you know 14 that you're not going to get an arrest for 15 it; and, therefore, you're not going to 16 generate a court notice.</p> <p>17 Q. Any other assignments that would 18 not lead to a court notice?</p> <p>19 A. Domestic arrests now are known not 20 to generate.</p> <p>21 Q. Then the time that you would be at 22 the South Detectives?</p> <p>23 A. This is around the time at South 24 Detectives. I believe it's true now for the</p>	<p>1 form. 2 BY MS. MORRIS: 3 Q. Was Detective Ruth assigned dead 4 jobs? 5 MS. GURMANKIN: Objection to 6 form. 7 THE WITNESS: Yes. 8 BY MS. MORRIS: 9 Q. As far as you know, was everybody 10 in 3 Squad assigned new jobs? 11 A. Yes. 12 Q. Was everybody assigned arrests? 13 A. It depends on the day, you know. 14 Q. Is everybody assigned dead jobs? 15 A. That also depends on the day. 16 Q. Did you receive court notices? 17 A. Yes. 18 Q. And would you get overtime for 19 those court notices? 20 A. Yes. 21 Q. I had asked you on the first day 22 about overtime, and your response was that 23 there weren't necessarily overtime details 24 available. But the other way to earn</p>

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13 (Pages 248 to 251)

1 overtime is through the court notices, 2 correct? 3 A. Well, there are details available, 4 but I wasn't aware of any details while I 5 was in 3 Squad. 6 Q. Okay. 7 A. But I know that there are details 8 available from when I was in 2 Squad. 9 Q. But you were eligible and had 10 opportunities for overtime because you had 11 jobs that led to court notices, correct? 12 A. In 3 Squad? 13 Q. Yes. 14 A. I made the least amount of overtime 15 in 3 Squad. 16 Q. When you were at 3 Squad were you 17 on last out? 18 A. Yes. 19 Q. Before August 2014, isn't it true 20 that for the detectives who are on last out 21 you automatically earned two hours overtime 22 for every shift that you work? 23 A. I think you're right. I believe 24 they changed that in August 2014.	248	1 6:00 a.m. to 8:00 a.m., correct? 2 A. Straight time. 3 Q. Straight time? 4 A. Yeah. 5 Q. Okay. And then when were you 6 required to be in court? 7 A. Whenever the court notice is, 8:00, 8 9:00, 10:00. 9 Q. Okay. So say, for example, you 10 worked on a Wednesday, 12:01 a.m. to 8:00 11 a.m., and you had a court notice for 12 Wednesday, when would you go to court on 13 Wednesday? 14 A. A lot of times it was preliminary 15 hearings, which is 8:00 a.m. 16 Q. Okay. Then were you paid overtime 17 beginning at 8:00, 8:00 a.m.? 18 A. I believe so. Yeah. 19 Q. Until that you concluded your day 20 in court? 21 A. That's right. 22 Q. Okay. Did you ever send a Facebook 23 message to Detectives Ruth, Neal, Conaway, 24 and Frei?	250
<p>1 Q. When you were in 3 Squad were you 2 punctual to work?</p> <p>3 MS. GURMANKIN: Objection to 4 form.</p> <p>5 THE WITNESS: Yes.</p> <p>6 BY MS. MORRIS:</p> <p>7 Q. You didn't have a habit of coming 8 in late?</p> <p>9 A. No.</p> <p>10 Q. Is last out or are the hours of 11 last out midnight to 8:00 a.m.?</p> <p>12 A. Yes.</p> <p>13 Q. So was the rule pre-August for 14 2014, were you able to leave at 6:00 a.m. 15 but get paid from the time between 6:00 and 16 8:00, 8:00 a.m.?</p> <p>17 A. Yes. I believe it's two hours that 18 they give you at the end. A lot of times 19 you wouldn't even take it because it wasn't 20 worth it.</p> <p>21 Q. What do you mean by that?</p> <p>22 A. To go home, to go all the way home 23 and then come back all the way downtown.</p> <p>24 Q. But you got paid for that time,</p>	249	<p>1 A. I did send a Facebook message, but 2 I don't remember who all it was. It sounds 3 right.</p> <p>4 Q. Do you remember when this was?</p> <p>5 A. I don't remember.</p> <p>6 Q. Okay. What was the message that 7 you sent?</p> <p>8 A. It was a picture of a baby boy. 9 His facial expression kind of reminded me of 10 Ruth. Ruth had the same facial expression. 11 And I remember typing quotes that Detective 12 Ruth always -- but I don't recall the exact 13 things that I said.</p> <p>14 Q. Why did you send it?</p> <p>15 A. The simple answer is I wanted to 16 fit in. I wanted to feel a part of the 17 group from day one. They didn't like me. 18 They didn't want me there. They were 19 unhappy that a female came into their squad. 20 It was a long period there where it 21 was just all males. And they disclosed to 22 me that they were happy that it was that way 23 because they even used the women's bathroom, 24 and now that they had to, quote, "smash"</p>	251

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14 (Pages 252 to 255)

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<p>1 into the males bathroom, they couldn't use 2 the females bathroom.</p> <p>3 Q. Did any of them ever specifically 4 say to you that we don't want to work with a 5 female?</p> <p>6 A. Indirectly, yes. Now we gotta 7 watch what we say now, we gotta watch how we 8 act now, things of that nature.</p> <p>9 Q. Who said that?</p> <p>10 A. I can't specifically remember. I 11 mean if I could indefinitely say all, I 12 would, but I can't remember who said it.</p> <p>13 Q. When? When did they say it?</p> <p>14 A. During the time I was in 3 Squad.</p> <p>15 Q. Did anybody in 2 Squad say that to 16 you?</p> <p>17 A. No, because there was other females 18 in 2 Squad.</p> <p>19 Q. Okay. I'm going to show you a 20 document.</p> <p>21 (Exhibit V-7 was marked for 22 identification.)</p> <p>23 BY MS. MORRIS:</p> <p>24 Q. Please let me know when you've had</p>	<p>1 A. Yeah. 2 Q. Wait a minute, let me just 3 finish -- is there anything missing from 4 this message string? 5 A. It just don't look like what I -- 6 it doesn't look exactly like what I sent. 7 Q. Is there any information missing? 8 A. From, from what it looks like, no. 9 Q. Okay. This document, this exhibit 10 I showed you is three pages. The first 11 page, there's a message. Who sent that 12 message? 13 A. The one with the baby in the 14 comment? 15 Q. Yes. 16 A. I did. 17 Q. Okay. And is that the date that 18 you sent it, on July 29th, 2014? 19 A. Yes. 20 Q. At 1:33 p.m.? 21 A. Yes. 22 Q. Were you on 3 Squad at that time? 23 A. Yes. 24 Q. Working last out?</p>
253	255
<p>1 an opportunity to review this document.</p> <p>2 A. Okay.</p> <p>3 Q. Do you recognize this document?</p> <p>4 A. Yes.</p> <p>5 Q. What is it?</p> <p>6 A. It's a cutoff -- cutoff version of 7 the personal email message I sent to Ruth, 8 Kevin, Jon, and Neal.</p> <p>9 Q. Okay. Who's John?</p> <p>10 A. That would be Frei.</p> <p>11 Q. Okay. Who's Kevin?</p> <p>12 A. I'm sorry. Jon is Jon Ruth. Kevin 13 is Kevin Conaway. Jonathan, I'm not sure if 14 Jonathan is Ruth or Frei, both "John". And 15 Neal is Neal Aitken.</p> <p>16 Q. Okay. So to be clear, "John" 17 either refers to Jon Ruth or John Frei?</p> <p>18 A. Yes.</p> <p>19 Q. And Jonathan refers to the other one?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. When you say cutoff, this is 22 a cutoff version, is there anything missing 23 from this --</p>	<p>1 A. Yes. 2 Q. So you would have sent this when 3 you were off from work, is that correct? 4 A. Yes. 5 Q. Next page, is that a continuation 6 of your message? 7 A. Yes. 8 Q. And the third page, there's a 9 message at the top, says, "Neal." Is that 10 Neal Aitkens? 11 A. Yes. 12 Q. Okay. And what did he say? 13 A. "I take off two weeks and we're 14 wearing polo shirts??? WTF?" 15 Q. Okay. And the next line, there's a 16 response at July -- on July 29th, 2014 at 17 5:43 PM. Do you know who sent that message? 18 A. Okay. Jonathan, I think this is 19 Jonathan Ruth. 20 Q. Okay. And what is the message? 21 A. "Lmao good one. But remember your 22 next. Yeah yeah". 23 Q. What's Lmao? 24 A. Laugh my ass off.</p>

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15 (Pages 256 to 259)

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<p>1 Q. What did Jonathan Ruth -- what did 2 you understand his message to be?</p> <p>3 MS. GURMANKIN: Objection to 4 form.</p> <p>5 THE WITNESS: I interpreted 6 his response that he found it funny.</p> <p>7 BY MS. MORRIS:</p> <p>8 Q. Do you know what he meant by, "But 9 remember your next"? Excuse me.</p> <p>10 A. Basically, maybe he was going to 11 find a baby picture of me and post it to me. 12 That's how I interpreted it.</p> <p>13 Q. And the next message is "Kevin"?</p> <p>14 A. He wrote, "Yeah".</p> <p>15 Q. Is that Kevin Conaway?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And then the message at the 18 bottom is, "LOL figured I was". And that 19 was sent July 30th at 1:45 AM. Who sent 20 that message?</p> <p>21 A. I believe I did.</p> <p>22 Q. Okay. And what did you mean by 23 that?</p> <p>24 A. That I believed I was the next one</p>	<p>1 But don't -- we'll come back to that. 2 You said it was from Kevin Conaway?</p> <p>3 A. Yes.</p> <p>4 Q. Was it, the message, just to you or 5 was there anybody else in the message?</p> <p>6 A. I don't remember.</p> <p>7 Q. Okay. Do you have a copy of that 8 message?</p> <p>9 A. I don't have a copy of the text 10 message.</p> <p>11 Q. Okay. Okay, going back, you 12 were -- were there any other Facebook 13 messages prior to the one about the baby?</p> <p>14 A. There was something really juvenile 15 and menial that Ruth sent to me that started 16 this whole ball rolling. I think it was 17 another news article of a woman, but I, I 18 can't recall what it was.</p> <p>19 Q. Was this sent to you and the group 20 or just to you?</p> <p>21 A. It was sent to the group, I believe.</p> <p>22 Q. What, did you say it was, juvenile, 23 and what?</p>
257	259
<p>1 to get a picture of a baby with comments 2 that I say.</p> <p>3 Q. Was this the first time that you 4 and the other people involved in the message 5 had exchanged a joking, joking Facebook 6 message?</p> <p>7 A. No.</p> <p>8 Q. What were the other times?</p> <p>9 A. Um...</p> <p>10 Q. Let's start with -- let me ask a 11 better question. Prior to this, what were 12 the other times?</p> <p>13 A. What started this, prior to this 14 was Kevin Conaway sent me a picture of a 15 woman, it was just her face, she looked 16 similar to me. It was a news article. She 17 was psychotic and killed her children. It 18 was, like, supposed to be a dark joke that, 19 you know, hey, this woman looks like you and 20 she's crazy. I think there was another.</p> <p>21 Q. I am going to interrupt you for one 22 --</p> <p>23 A. Okay.</p> <p>24 Q. -- moment just to talk about that.</p>	<p>1 A. Menial. 2 Q. What do you mean? 3 A. It was so meaningless I forgot what 4 it was.</p> <p>5 Q. Okay. Did you think that the 6 message that you sent to him in V-7 was 7 juvenile?</p> <p>8 A. Yes. I do. 9 Q. Were you joking around? 10 A. Yes. I was. 11 Q. Did you think the news article that 12 Kevin Conaway sent to you was joking around? 13 A. Yes. 14 Q. Do you think Jon Ruth's message, 15 the first message with the news article, was 16 joking around? 17 A. Yes. 18 Q. Okay. After you got, after the, 19 um, after you responded to, um, started -- I 20 guess the better question is, after the 21 message on July 29th was sent around, did 22 you have -- were there any subsequent group 23 messages, whether it was text or Facebook? 24 A. Other than the ones that you know</p>

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16 (Pages 260 to 263)

1 about? 2 Q. I'm asking general. I'm creating 3 the record here. 4 A. Okay. Yes. There was. 5 Q. Okay. When did you get the next 6 one? 7 A. I don't remember the exact date I 8 received the Dallas Cowboy owner text 9 message. 10 Q. Okay. Were there any other joking 11 or nonjoking messages before that? 12 A. No. 13 Q. Okay. And what was -- I'll show 14 you. What was the Dallas Cowboys text 15 message? 16 A. Jon Ruth sent out a group text 17 message, excuse me, with the Dallas Cowboy 18 owner, I believe, holding a stripper's head 19 while she was kneeling down, looked like she 20 was about to perform fellatio on him, and 21 under the text, he wrote, "Does anybody 22 recognize this girl with Captain Hook," 23 something to that, to that effect. That's, 24 that's what I can remember he said.	260	1 Q. Did you respond to the group text? 2 A. Yes. 3 Q. What did you say? 4 A. I don't remember. Do you have the 5 picture? 6 MS. GURMANKIN: It's okay. 7 BY MS. MORRIS: 8 Q. Okay. How did you feel when you 9 got the text? 10 A. Initially shocked. 11 Q. Why? 12 A. Because he crossed the line that 13 we've talked about in the previous 14 deposition. 15 Q. Okay. I'm going to show you a 16 document that we'll mark as V-8. 17 (Exhibit V-8 was marked for 18 identification.) 19 BY MS. MORRIS: 20 Q. Take a moment to look at that, 21 please. 22 MS. GURMANKIN: Do you have 23 an extra? 24 MS. MORRIS: I don't.	262
1 Q. Did you say Captain Hook? 2 A. I don't remember the exact word 3 because I didn't know what he meant by that, 4 Captain White Hook something. I don't think 5 anybody knew what he meant by that. 6 Q. You did not who he was referring 7 to? 8 A. Oh, no. I mean he's referring to 9 the Dallas Cowboy owner as looking like the 10 Captain, Larry Nodiff, I'm sorry, but after 11 he wrote "Captain Nodiff" he said something 12 like "white hook". I didn't know what that 13 was. 14 Q. Okay. Who was on the text string? 15 A. Jon Ruth, Neal Aitken, John Frei, I 16 believe Detective Hobbs, Kevin Conaway, and 17 that's all I can remember at this time. 18 Q. Were you on it? 19 A. Yes. 20 Q. Who sent it? 21 A. Jon Ruth. 22 Q. Do you remember the date? 23 A. Hmm. The specific date that text 24 was sent I don't remember at this time.	261	1 MS. GURMANKIN: Would this be 2 okay to take a break? 3 MS. MORRIS: Yeah, this would 4 be a good time to take a break. 5 THE VIDEOGRAPHER: Hold on. 6 Hold on, everybody. Off the record at 10:26 7 a.m. 8 (Whereupon, a recess was 9 taken.) 10 THE VIDEOGRAPHER: Okay. 11 We're back on the video record at 10:33 a.m. 12 BY MS. MORRIS: 13 Q. Have you had a chance to review the 14 document in front of you? 15 A. Yes. 16 Q. Excuse me, really sorry. Was this 17 the message that you received from Jon Ruth 18 that we were just discussing? 19 A. Yes. 20 Q. On the -- it's a, it's a two-page, 21 it's a two-page exhibit. Was this 22 screenshot taken from your phone? 23 A. Yes. 24 Q. Okay. And at the top, there's a	263

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1	name listed, namely the -- excuse me, Neal	1	Q. When did you print it out? Let me
2	Aitken, Hobbs, John. Would those be the	2	back up. Scratch that.
3	recipients of the message?	3	You took this screenshot, correct?
4	A. Yes.	4	A. Yes.
5	Q. And then the first full message, is	5	Q. Okay. And did you provide it to
6	that from John Ruth?	6	anyone?
7	A. Yes.	7	A. Yes.
8	Q. And is that the photo that you're	8	Q. Who'd you provide it to?
9	referring to?	9	A. Then Sergeant Linneman.
10	A. Yes.	10	Q. Okay. Anyone else?
11	Q. Do you know what he means by --	11	A. I, I don't remember if I had
12	excuse me. Do you know what he means by,	12	attached this to the EEOC charge during this
13	"Does anyone know this girl with Larry	13	time. I think I may have because I remember
14	Nodiff (Whiskey Harry / white hook)?"	14	showing James Warren, a EEOC investigator,
15	A. From my interpretation, he was	15	the picture.
16	displaying this photo suggesting that this	16	Q. Before we took a break, you said
17	was myself and the captain, Captain Nodiff.	17	that you had responded to the text. Does
18	Q. Do you know who Whiskey Harry is?	18	your response appear in this exhibit?
19	A. No.	19	A. Not in this exhibit, no.
20	Q. White hook?	20	Q. Okay. But at some point -- is
21	A. No.	21	there any more, are there any more messages
22	Q. Okay. The next line, "Neal	22	in this group conversation?
23	Aitken," is that message from Neal Aitken?	23	A. There had been, yes.
24	A. Yes.	24	Q. Okay. What were the messages?
	265		267
1	Q. Do you know what he means in his	1	A. I don't recall. But if you have
2	response?	2	the text, it might ring a bell.
3	A. I interpreted it as, I have been	3	Q. But these two pages are the only
4	known to say "yeah, yeah, yeah" a lot, um,	4	two pages that you provided to Lieutenant
5	so he's quoting me, "Yeah, yeah. She looks	5	Linneman, is that correct?
6	familiar. Yeah yeah I think I've got it."	6	A. I provided Lieutenant Linneman what
7	Q. Do you know what the "I think I've	7	I had at the time. This is what was on my
8	got it" means?	8	phone. When I complained to Lieutenant
9	A. I interpreted it to mean that she	9	Linneman, this is what he got.
10	has his penis.	10	Q. Okay. That's two pages?
11	Q. Second page, is that the list of	11	A. Yes.
12	all recipients of the message?	12	Q. Okay. So I'm going to mark this
13	A. I believe it is.	13	next document as V-9.
14	Q. But you received this same, same	14	(Exhibit V-9 was marked for
15	message; is that correct?	15	identification.)
16	A. Yes.	16	BY MS. MORRIS:
17	Q. Do you know why you're not listed	17	Q. Take a moment to review that,
18	here?	18	please.
19	A. I think it's just the way my phone	19	A. (Witness views document.)
20	brings it up. Because I'm the owner, it's	20	Q. Let me know when you're ready.
21	not going to show me.	21	A. Yes.
22	Q. Okay. Do you know the date of this	22	Q. Do you recognize this exhibit?
23	group conversation?	23	A. Yes.
24	A. I don't remember the date.	24	Q. Okay. What is it?

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18 (Pages 268 to 271)

<p>1 A. It's the text message Jon Ruth sent 2 to me and others. 3 Q. Okay. On that first page it says 4 "Donnell 'Homicide' Hobb," to what -- who's 5 that? 6 A. That's Detective Hobbs. 7 Q. Okay. Does that indicate that he 8 was part of the email, the group 9 conversation? 10 A. I believe it indicates that this is 11 what was on his phone. 12 Q. Okay. And, excuse me, there's a 13 date, August 7, 2014. Is that the date that 14 you received the text message from Jon Ruth? 15 A. I don't know. 16 Q. And below that, and continued onto 17 the next page, there's a message, it says, 18 "Michelle Vandegrift: LOL wow good one". 19 Is that your response? 20 A. Yes. 21 Q. Okay. And it looks -- do you know 22 if the time above or below the message -- so 23 that below your message it says "11:12 MMS". 24 Do you know if that refers to your</p>	<p>268</p> <p>1 schedule. 2 Q. Do what good enough? 3 A. The sexual act that's depicted in 4 the picture. 5 Q. Okay. Below your response on that 6 third page, it says, "It's not all it's 7 cracked up to be. (Does that mean I did 8 him?)" Is that from Neal? 9 A. Yes. 10 Q. And below that is that your 11 response? 12 A. Yes. 13 Q. And what did you say? 14 A. "No it means you blew him lol". 15 Q. And what do you mean by that? 16 A. Well, in the picture they're 17 depicting that I performed fellatio on 18 captain, then Captain Nodiff, and if that 19 had been true, if I had been, in their 20 words, the captain's whore, I think that I'd 21 probably have special privileges. 22 Neal was in 5 Squad. He did have 23 special privileges prior to going to last 24 out. He was disciplined for something</p>
<p>1 response or the one below it? 2 A. I believe it's my response. 3 Q. Okay. And then below that it says, 4 "Yeah, yeah. She looks familiar. Yeah yeah 5 I think I've got it." Who sent that? 6 A. That's Neal. 7 Q. Neal Aitken? 8 A. Yes. 9 Q. Is that his photo? 10 A. I think so, yes. 11 Q. And below that, is that a message 12 from you? 13 A. Yes. 14 Q. And what did you say? 15 A. "Guess I didn't do it good enough. 16 Still haven't landed my M through f weekends 17 off gig". 18 Q. What did you mean by that? 19 A. I interpreted that picture to mean 20 that they believe I was involved with a 21 sexual relationship with then Captain 22 Nodiff. I responded sarcastically by 23 saying, I guess I didn't do it good enough 24 because he didn't put me in a special</p>	<p>269</p> <p>1 completely different. But he's saying that 2 5 Squad Monday through Friday weekends off 3 gig isn't as cracked up as -- it's not as 4 great as it sounds. 5 Q. And when you said, no, it means you 6 blew him, you're referring to oral sex, 7 right? 8 A. Well, in his question when he says, 9 "Does that mean I did him?" 10 And I go, "No it means you blew 11 him." 12 Q. And you're referring to oral sex 13 when you said "blew him," right? 14 A. I'm going by what the picture 15 interprets to me. 16 Q. When you say "blew him" you mean 17 blow job, right? 18 A. That's correct. But I'm going by 19 what the picture means to me. 20 Q. But you used the term "blew him". 21 I'm just asking you what you meant by that. 22 MS. GURMANKIN: It's been 23 answered. You can answer again. 24 THE WITNESS: I meant what I</p>

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19 (Pages 272 to 275)

	272		274
1	said. I was describing the picture that I	1	Neal Aitken's 11:15 text, correct?
2	interpreted.	2	A. Yes.
3	BY MS. MORRIS:	3	Q. And that's your message at 11:12,
4	Q. And Neal's question, "Does that	4	right?
5	mean I did him?" means have sex with him,	5	A. Yes.
6	right?	6	Q. So you're saying that when you
7	MS. GURMANKIN: Objection to	7	produced V-8 to Sergeant Linneman, your
8	form.	8	message was not on there?
9	THE WITNESS: In Neal's	9	A. That's correct.
10	question, "Does that mean I did him?" that's	10	Q. But Neal's response was?
11	what he's asking me.	11	A. Yes.
12	BY MS. MORRIS:	12	Q. Does that make any sense to you?
13	Q. Right?	13	A. It makes perfect sense to me. The
14	A. Yeah.	14	day I received this message was not the day
15	Q. Okay. Did you -- why didn't you	15	I went to internal affairs. If I had gone
16	provide the full email string to internal	16	to internal affairs the exact day that they
17	affairs when you provided V-7 -- excuse me,	17	sent this to me, I would still have the
18	V-8?	18	message the way it originally was, but, I
19	A. When I decided to come forward and	19	went after this message...
20	complain, the text messages weren't on my	20	Q. Which one?
21	phone at that point.	21	A. The Jon Ruth, both messages.
22	Q. Okay. So let's look at V-8 and	22	Q. Mm-hmm?
23	V-9.	23	A. This was before I went to internal
24	MS. GURMANKIN: These two.	24	affairs. Since I've been in internal
	273		275
1	THE WITNESS: Oh.	1	affairs nothing has been deleted or, you
2	BY MS. MORRIS:	2	know, not submitted.
3	Q. V-8, both -- both exhibits have as	3	Q. At any time did you delete from
4	the first message that Jon Ruth sent the	4	your message, which is V-9, "LOL wow good
5	photo of Jerry Jones and the, and the woman,	5	one," at any time did you delete that
6	correct?	6	message?
7	A. Yes.	7	A. I believe I did.
8	Q. Okay. And then right below that	8	Q. When?
9	photo, it says "10:56 MMS" on both V-8 and	9	A. I don't know. I'm not sure of the
10	V-9 --	10	date. But I could tell you that it was
11	A. Mm-hmm.	11	after August 7th and before I made the
12	Q. -- correct?	12	internal affairs complaint, whatever date
13	A. Yes.	13	that was.
14	Q. Okay. On V-8, right below Jon	14	Q. Why did you delete it?
15	Ruth's message at 11:15 AM is a message from	15	A. I was talking to my mom about this,
16	Neal Aitken, right?	16	as I had before about sexual harassment and
17	A. Yes.	17	gender discrimination on this job, and she's
18	Q. Okay. If you go to V-9, page 2,	18	always been pretty hard on me about it. So
19	Neal's message also appears, 11:15 AM,	19	I knew that when I was going to show her
20	"Yeah, yeah. She looks familiar. Yeah yeah	20	this, she wasn't going to understand why I
21	I think I've got it." Correct?	21	reacted the way I had, because she had never
22	A. Yes.	22	worked in a male-dominated environment
23	Q. V-9, there are -- there is one	23	before. She doesn't understand the
24	message between Jon Ruth's 10:56 text and	24	mentality. She would have wanted me to

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20 (Pages 276 to 279)

<p>1 probably say a lot worse, and, you know, a 2 lot of colorful words and go to a supervisor 3 right away, you know, and protest right 4 away. But it's not the kind of environment 5 that you can do that.</p> <p>6 For over a decade I've been 7 struggling to be a part of the boys' club, 8 be accepted, just to be liked, just to be -- 9 feel comfortable, feel like I have backup. 10 I, when I received this message, I didn't 11 want them to think I was upset about it. My 12 husband seen it, he said, don't say 13 anything --</p> <p>14 MS. GURMANKIN: Don't talk 15 about --</p> <p>16 THE WITNESS: Oh.</p> <p>17 MS. GURMANKIN: -- conversations 18 with him.</p> <p>19 THE WITNESS: I'm sorry.</p> <p>20 BY MS. MORRIS:</p> <p>21 Q. What --</p> <p>22 A. I --</p> <p>23 Q. Go ahead. I'm sorry.</p> <p>24 A. I didn't want to not, say, not</p>	<p>276</p> <p>1 A. This, and this. 2 Q. Okay. So, let's go -- let's just 3 back up for the record. So the photo that 4 Jon Ruth sent, is that what you're referring 5 to?</p> <p>6 A. Yes. 7 Q. Okay. And what else?</p> <p>8 A. Neal Aitken: Yeah, yeah, yeah, she 9 looks familiar. Yeah yeah I think I've got 10 it.</p> <p>11 Q. Okay. So you did delete Neal's 12 comment, "It's not all it's cracked up to 13 be," is that correct?</p> <p>14 A. Yes. 15 Q. Why?</p> <p>16 A. Because if she had read that she 17 would be like, why did you say that? Did 18 you say something, you know. I didn't want 19 her to know that there was any sort of 20 conversation going on.</p> <p>21 Q. So you also deleted the comment 22 that you made, "No it means you blew him 23 lol," is that correct?</p> <p>24 A. Yes.</p>
<p>277</p> <p>1 respond because it looks like I'm bothered 2 by it. Then again, if I come at it where, 3 how dare you guys do this, how could you do 4 this, then they got to me.</p> <p>5 Q. I'm asking why you deleted it. 6 Have you answered that question?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 A. Because I didn't want my mom to see 10 it.</p> <p>11 Q. Did you delete the message on V-9 12 that says, "Guess I didn't do it good 13 enough"?</p> <p>14 A. Yes.</p> <p>15 Q. When?</p> <p>16 A. The same date I deleted the 17 previous text.</p> <p>18 Q. Why?</p> <p>19 A. I didn't want my mom to see it.</p> <p>20 Q. Did you delete Neal's response on 21 V-9, "It's not all it's cracked up to be"?</p> <p>22 A. I believe that this is the only 23 thing I didn't delete, so...</p> <p>24 Q. What's "this," Detective?</p>	<p>279</p> <p>1 Q. Okay. Did you tell internal 2 affairs when you gave Sergeant Linneman 3 the -- you gave him V-8 that you had deleted 4 emails?</p> <p>5 MS. GURMANKIN: Objection to 6 the form.</p> <p>7 THE WITNESS: Yes. I was 8 completely clear and transparent with then 9 Sergeant Linneman. I said, look, this is 10 what I have, I don't have everything. He's 11 like, what do you mean? I said, there was 12 comments that I said. I said, they may have 13 been inappropriate. He said, like, what do 14 you mean, you were responding to this 15 picture? I said, yeah. He says, don't 16 worry about it, it doesn't matter, you're 17 the victim.</p> <p>18 BY MS. MORRIS:</p> <p>19 Q. Did you tell the EEOC that you had 20 deleted -- the thing that you told Detective 21 Linneman, that you had deleted your 22 responses and some of Neal Aitken's 23 responses?</p> <p>24 A. I don't believe so.</p>

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21 (Pages 280 to 283)

	280		282
1	Q. Why not?	1	A. Yes.
2	A. I don't think it would have	2	Q. -- wait, let me just finish my
3	mattered to them, as much as it would have	3	awkward question.
4	mattered to the internal EEO.	4	Would you have shown your
5	Q. Why do you say that?	5	lieutenant V-8 in which you had deleted your
6	A. Because I don't work for them.	6	response and Neal's response?
7	Q. Then how would you know whether it	7	MS. GURMANKIN: Objection to
8	matters to them?	8	form.
9	A. Because I'm an investigator, and	9	THE WITNESS: Yes.
10	that wouldn't matter to me, how a victim	10	BY MS. MORRIS:
11	responds to sexual harassment and gender	11	Q. Why?
12	discrimination.	12	A. I didn't, I didn't really feel like
13	Q. Have you ever investigated sexual	13	I was trying to hide anything or did
14	harassment?	14	anything wrong, I mean. I made it clear to
15	A. No.	15	Sergeant Linneman that I had made those
16	Q. Have you ever investigated gender	16	comments, I mean. I, I knew other people
17	harassment -- excuse me.	17	were going to have this on their phone.
18	A. No, no.	18	Q. But if you had complained to
19	Q. -- gender discrimination?	19	Sergeant Linneman, what were you hoping to
20	A. No.	20	get from Lieutenant LaSalle?
21	(Discussion off the record.)	21	A. I wanted him to address it in a
22	BY MS. MORRIS:	22	manner that I couldn't.
23	Q. Did you ever talk to Detective Ruth	23	Q. How so?
24	about this, this posting, the message?	24	A. Addressing it on a supervisor
	281		283
1	Excuse me.	1	level. You know, they didn't respect me,
2	A. No. I don't believe I had a	2	obviously. Anything that I were to tell
3	conversation with Jon Ruth about this	3	them about how I didn't like it, they would
4	particular text message.	4	just take that and run with it.
5	Q. Why not?	5	Q. What were you hoping he would do?
6	A. Because it was a sensitive subject	6	A. Speak to them professionally, let
7	for me. I notified my lieutenant about it.	7	them know it's not appropriate behavior,
8	Q. Is that Lieutenant LaSalle?	8	remind them to be professional, basically
9	A. Yes. I notified Sergeant Black	9	give them a wake-up call. I'm not a
10	about it. And I believe Sergeant Hampton	10	supervisor, I know, but something that would
11	was on vacation at the time, otherwise, I	11	help me that I wasn't able to do for myself.
12	would have notified him.	12	Q. And why did you go to Sergeant
13	Q. Did you tell Lieutenant LaSalle --	13	Black?
14	did you show Lieutenant LaSalle the message?	14	A. When did I go to Sergeant Black?
15	A. Yes.	15	Q. Why did you tell Sergeant Black
16	Q. Did you show him V-8 or V-9?	16	about the text message?
17	A. Hmm. Um, I don't remember the	17	A. I don't remember who I went to
18	exact date that I deleted the text, so I	18	first, whether it was Sergeant Black or
19	couldn't tell you if he'd seen the original	19	Lieutenant LaSalle, but I wanted a
20	version or this version, V-9, or V-8. This	20	supervisor's attention on it, um, so that it
21	one isn't marked.	21	was made aware of and addressed
22	Q. Would you have shown him the	22	appropriately.
23	portion with the delete -- would you have	23	Q. In the manner that you just
24	shown him --	24	mentioned, have discussion with the people

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22 (Pages 284 to 287)

1 who did it and talk to them about 2 professionalism? 3 MS. GURMANKIN: Objection to 4 form. 5 THE WITNESS: In the manner 6 that is recommended in the Philadelphia 7 Police Department. 8 BY MS. MORRIS: 9 Q. Why did you go to both supervisors? 10 A. I remember when I approached 11 Sergeant Black about it, he dismissed it 12 right away. So I probably informed Sergeant 13 Black first. And with his dismissive 14 behavior, I then went to Lieutenant LaSalle. 15 Q. What version of the message did you 16 show Sergeant Black? 17 A. It could have been either or, just 18 because I don't know the time frame of when 19 I exactly deleted the messages. 20 Q. You, you've investigated domestics, 21 right? 22 A. Yes. 23 Q. And a domestic is, is typically 24 you're aware of the perpetrator, you know	284	1 A. Not for a conviction, but for an 2 arrest. 3 Q. I'm talking about conviction. 4 A. Oh. Well, that would be your 5 department. I'm not a lawyer. I, I -- I 6 know what I need to, to arrest. I don't 7 have a law degree. I don't know what 8 exactly gets a conviction. I just do the 9 best job that I can do and hope that I, that 10 I get the conviction. 11 Q. Okay. After the Jerry Jones photo, 12 did you have any -- well, let me just back 13 up real quick. 14 Do you believe that Sergeant Black 15 told Ruth and the other people who were on 16 this email string that you were unhappy 17 with, with the text message? 18 MS. GURMANKIN: Objection to 19 form. 20 THE WITNESS: I don't know 21 whether he had or he had not. 22 BY MS. MORRIS: 23 Q. Do you know if Sergeant, or, 24 Lieutenant LaSalle told him that you were	286
1 the identity of the perpetrator of the 2 crime? 3 A. Most cases, yes. 4 Q. And is it important for you to get 5 the victim's side of the story? 6 A. Absolutely. 7 Q. Is it important to get the 8 perpetrator's side of the story? 9 A. Not always. 10 Q. Why not? 11 A. Most of the time all you need is 12 the victim's complaint just for interest 13 based on injuries, her statement. It's 14 enough for an affidavit. It's enough for an 15 arrest warrant. Nine times out of ten, I'm 16 not speaking to the perpetrator in 17 domestics. It's not necessary. 18 Q. But the perpetrator's version of 19 the story is necessary to determine whether 20 it's proof beyond a reasonable doubt that 21 the person committed a crime, right? 22 A. If there's proof supporting that he 23 was there, it's enough. 24 Q. To convict him?	285	1 not happy about the text message? 2 A. I was hoping that Lieutenant 3 LaSalle said something to him, because he 4 seemed a lot more attentive to the matter 5 than, than Sergeant Black. But, again, I 6 don't know if he had or had not. 7 Q. How do you know whether -- let's 8 take Jon Ruth. How do you know -- how would 9 Jon Ruth have known that you did not like 10 the text message? 11 MS. GURMANKIN: Objection to 12 form. 13 THE WITNESS: He would not 14 have known unless the supervisor came to him 15 and said something. 16 BY MS. MORRIS: 17 Q. How would Neal Aitken know that you 18 were not happy with the text message? 19 A. He would not know unless the 20 supervisor came to him and addressed it. 21 Q. After the Jerry Jones photo, did 22 you have any -- were there any other group 23 messages that you engaged in? 24 A. I don't believe so.	287

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23 (Pages 288 to 291)

<p>1 Q. Are there any other group messages 2 that you were aware of? 3 A. Yes. 4 Q. Okay. When was that? 5 A. Okay. I believe it was August 6 22nd, 2014. Detective Jackson showed me a 7 picture of an old lady. She was a retired 8 detective holding a badge, looked to be 9 about 95. And under the picture it says, 10 "I'd rather have her as a partner than 11 Michele." And there were numbers that the 12 text said that it was sent to, but I don't 13 know who those people were because the 14 numbers weren't saved into the phone. But I 15 noticed Angel Gonzalez, who was in 1 Squad 16 at the time, responded, LOL. Detective 17 Jackson told me that Detective Ruth sent 18 that to him while he was on vacation. I had 19 not received that text. 20 Q. How did the text make you -- text 21 make you feel? 22 A. Awful. 23 Q. Why? 24 A. Because I've always taken pride in</p>	<p>288</p> <p>1 And he got upset and he said, 2 "Please leave my name out of it." And I 3 told him I would, not knowing that I 4 couldn't do that. 5 I said, "Look, just do me a favor, 6 save that text, because I don't have it." 7 Q. What did you mean when you said, 8 "You know I'm going to have to do something 9 about this"? 10 A. Make a complaint, formally. 11 Q. Did you talk to Jon Ruth about it? 12 A. I, I didn't see Jon Ruth. He was 13 in court and I was in court. We have 14 different courtrooms. But I sent him a few 15 text messages about how I was feeling. 16 Q. What did you say? 17 A. I don't exactly remember what I 18 said, but I was expressing my disgust. 19 Q. At any time, maybe not that day 20 that you found out about it, but at any time 21 did you talk to Ruth about it? 22 A. No. Because I didn't see him on 23 that day. 24 Q. After that day, did you speak with</p>
<p>289</p> <p>1 my job and my work, and I always, always did 2 one hundred percent, and I always thought 3 that I was one of the best female cops, 4 detectives on the job just because all my 5 heart and soul that I put into the job. I 6 was offended by the picture on many levels. 7 Q. Were you upset that you had not 8 received the message, that you were not part 9 of the group text message? 10 A. Yes. 11 Q. Why? 12 A. Because it wasn't even me being 13 deleted from the group. It wasn't even 14 trying to be represented as a joke, laugh it 15 off, you know, we're laughing with you. No. 16 It was a direct attack, you know, another 17 example of gender discrimination. It was an 18 attack on my work ethic and gender. 19 Q. Did you tell anyone in your squad 20 that the message upset you? 21 A. I told Detective Jackson how upset 22 I was. I told Detective Jackson, "You know 23 I'm going to have to do something about 24 this."</p>	<p>291</p> <p>1 him about it? 2 A. I didn't see him after that day. 3 Q. Ever? 4 A. I might have seen him a couple 5 months after that, but... 6 Q. But you didn't talk to him then 7 about it, is that correct? 8 A. That's right. 9 Q. What was -- what were his 10 responses, if any, to your text messages? 11 A. I believe the only thing he said 12 was it was a group message. 13 Q. Did you tell anyone else besides 14 Jackson that you were upset by it? 15 A. Yes. 16 Q. Who? 17 A. I told Lieutenant LaSalle about it. 18 Q. Okay. What was that conversation? 19 A. It was text messages. 20 Q. What was Lieutenant LaSalle's 21 response? 22 A. He said, uh -- I forgot what his 23 response was. But he agreed that it wasn't 24 right.</p>

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24 (Pages 292 to 295)

	292	
1	Q. Did he tell you he was going to do	1 A. I believe so, yes.
2	anything about it?	2 Q. What did you do -- when did you
3	A. I don't remember.	3 file that amended EEOC complaint, do you
4	Q. Did you, did you send him the	4 know?
5	picture?	5 A. I don't remember the exact date.
6	A. No, because I didn't have the	6 Q. Okay. So this photo, you became
7	picture.	7 aware of this photo on August 22nd, 2014; is
8	Q. Did you describe the picture to	8 that correct?
9	him?	9 A. Which photo are we going to now?
10	A. Yes.	10 Q. The old lady photo.
11	Q. Did you discuss the picture with	11 A. Okay. Yeah. I believe it was
12	Kevin Conaway?	12 August 22nd.
13	A. The picture with Kevin Conaway?	13 Q. Okay.
14	Which picture?	14 A. That it was shown to me.
15	Q. The old lady picture.	15 Q. Did you talk to Sergeant Linneman
16	A. Oh, yes. Yes. I did. I was	16 about it?
17	sitting in court and he approached me.	17 A. Yes.
18	Q. What did he say?	18 Q. When did you talk to Linneman about
19	A. He was shaking. He was sweating.	19 it?
20	He appeared very nervous. He said, "Listen,	20 A. I believe it was in my first
21	Michele, Jon didn't mean anything by that	21 interview at EEO internal affairs.
22	text message, you know, he's upstairs if you	22 Q. Okay. Did you ever -- okay. So
23	want to talk to him."	23 that's at the end of August 2014. When did
24	I said, "Listen, if Jon Ruth wants	24 you transfer to 2 Squad?
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1	to talk to me he can come downstairs and	1 A. The very end of August 2014.
2	talk to me. I have a court" -- "I have	2 Q. Okay. And how did you -- how did
3	court in this room here. I'm not going	3 that transfer occur?
4	anywhere."	4 A. A conversation with Captain
5	And he was like, look, I responded	5 Derbyshire.
6	to that text message, I just want to say,	6 Q. Okay. So after this, the, the old
7	you know, I'm sorry, I shouldn't have done	7 lady photo, you went to, you reported this
8	that, it wasn't right. He looked like he	8 to EEO; is that correct?
9	was going to have a heart attack. I said,	9 A. Yes.
10	"Don't worry about it, Kev, I'm going to	10 Q. And then after you went to EEO,
11	deal with this." And I just wanted him to	11 that's when you had that conversation with
12	relax, so I walked away and went to the	12 Captain Derbyshire; correct?
13	bathroom.	13 A. Yes.
14	Q. Did you tell him you were upset	14 Q. And you included this instance,
15	that you had been excluded from the message?	15 this photo of the old lady in your
16	A. I might have said that. Because it	16 conversation with Captain Derbyshire?
17	just shows me how behind the back things	17 A. It was a brief breakdown of what
18	were and it was an attack.	18 was going on. It was very minor details.
19	Q. You didn't -- you included this in	19 Q. Okay. Did you complain to anybody
20	your amended EEOC complaint, right?	20 else about 2 Squad -- 3 Squad? Excuse me.
21	A. What, the old lady --	21 A. EAP.
22	Q. Yes.	22 MS. GURMANKIN: Objection to
23	A. -- picture?	23 form. Go ahead.
24	Q. Yes.	24 THE WITNESS: Oh, sorry.

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25 (Pages 296 to 299)

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1	EAP.	1	Q. Okay. So I'm going back to the
2	MS. MORRIS: Okay.	2	point where I was talking about the new
3	THE WITNESS: EEOC. That's	3	contract.
4	all I can think of at this time.	4	Did you become aware at some point
5	BY MS. MORRIS:	5	that the FOP's contract with the city had
6	Q. Okay. In the summer of 2014,	6	changed overtime rules for employees on last
7	August, did you become aware that the FOP's	7	out?
8	contract with the city had changed overtime	8	A. Yes.
9	rules for employees on last out?	9	Q. Okay. When did you become aware of
10	A. Okay, just to go back, that's	10	that?
11	definitely somebody I contacted multiple	11	A. July 2014.
12	times, the FOP.	12	Q. Okay. And what were the new rules?
13	Q. Okay.	13	A. Um...
14	A. With that said, I'm sorry, could	14	Q. With respect to overtime?
15	you repeat the question?	15	A. You now receive two hours overtime
16	Q. Let's quit doing that and go back	16	as opposed to being let go a little bit
17	to, what did you, what did you tell the FOP?	17	early, 6 o'clock. So, on top of the
18	A. I told them what was going on as	18	overtime that you would get during court,
19	far as the 3 Squad incidents. They told me	19	you're also going to get two hours.
20	to document everything.	20	Q. Were you still able -- so, were you
21	Q. Who did you talk to there?	21	able to leave at 6 o'clock?
22	A. There was so, so many reps that I	22	A. No. You had to stay until 8:00.
23	talked to during that time, I don't	23	Q. Okay. Did you get overtime,
24	remember.	24	though, during that period between 6:00 and
	297		299
1	Q. Okay. So they told you to	1	8:00?
2	document. Did they tell you anything else?	2	A. Yes.
3	A. They told me I should make the EEO	3	Q. Okay. But you had to physically be
4	complaint.	4	at work?
5	Q. So you talked to them before you	5	A. Yes.
6	went to EEO?	6	Q. What...
7	A. I'm not one hundred percent sure.	7	A. I believe so.
8	Because when I say EEO, you know, there's	8	Q. Okay. And in the past, did you
9	two EEOs, the internal affairs and the EEOC.	9	not have to -- isn't it true that you did
10	So I remember them saying I should go to	10	not have to physically be at work between
11	EEO, whether or not they were talking about	11	6:00 and 8:00?
12	EEOC time frames.	12	A. It was that little break that they
13	Q. Okay. So from your recollection --	13	give you, a two-hour break. They took that
14	I'm sorry...	14	break away. They want you to work straight
15	MS. GHEE: Mm-hmm.	15	through, but they're willing to pay you two
16	BY MS. MORRIS:	16	hours overtime, is what I understood the
17	Q. -- did you speak with the union	17	contract to be.
18	before you went to the internal affairs EEO?	18	Q. So before the contract and after
19	A. I'm sure I did, but I can't recall	19	the contract, you got paid overtime between
20	at this time.	20	6:00 and 8:00; is that correct?
21	Q. Did the -- other than providing	21	A. After the, after the new contract,
22	advice, did the union do anything to help	22	that's correct.
23	you?	23	Q. But before the contract you didn't
24	A. No.	24	get overtime between 6:00 and 8:00?

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<p>1 A. No. It was just straight time. 2 Q. Okay. 3 A. And then, you know, you get done at 4 6:00, and you weren't working, so. 5 Q. But you got paid straight time 6 between 6:00 and 8:00, but you didn't have 7 to physically be at work? 8 A. Yes. Because you're getting paid 9 for the eight hours, but because you have to 10 go to court, they give you a break for two 11 hours. And instead of giving you that 12 break, now they want you to stay and they'll 13 pay you that two hours. 14 Q. Okay. 15 A. Is from what I understood it to be. 16 Q. Okay. What was the impact on you, 17 if anything, about the new contract? 18 A. You know what, now that I think 19 about that new contract, I think it is the 20 two hours that they would get -- that you 21 would get as a break, you don't get paid 22 those two hours overtime. It's two hours 23 vacation that goes into your vacation time. 24 I'm sorry, it's, it's been a while. So,</p>	<p>1 were angry I came to 3 Squad because they 2 felt like it was some sort of special favor 3 that Captain Nodiff had granted me. 4 Q. Did you speak, whoever, after the 5 new -- at any point, did you speak with 3 6 Squad about needing to find a different 7 shift when you were on 3 Squad? 8 A. I may have. I was, I was 9 completely miserable working with those men. 10 Q. Did any members of the 3 Squad help 11 you look for a new squad so you'd have a 12 more convenient schedule? 13 A. Did any of the members of my squad 14 help me? 15 Q. Right. 16 A. No. 17 Q. Did Justin Frank ever offer to 18 switch with you? 19 A. Justin Frank was in 1 Squad. 20 Q. Right. Did he offer to switch with 21 you? 22 A. He did because he wanted 3 Squad. 23 Q. Okay. Did you take him up on the 24 offer?</p>
301	303
<p>1 you're generating a lot of vacation time 2 when you're -- when you are generating court 3 notices. It was a great thing. We were all 4 really happy about it. 5 Q. Okay. How did you feel about 6 having to stay at work until 8:00 a.m. as 7 opposed to 6:00 a.m.? 8 A. It was tough, but it was a great 9 way to build up your vacation time. 10 Q. Okay. Did it impact your 11 childcare? 12 A. Not really. I mean those two hours 13 didn't do too much for me. 14 Q. Okay. In terms of childcare? 15 A. Yeah. 16 Q. Okay. Did you ever speak to your 17 squad about finding another shift because 18 you were having childcare issues? 19 A. Well, that was my issue from the 20 beginning. I, I was assigned 2 Squad and I 21 asked the captain if I could go to 3 Squad 22 because I needed to be home during the day 23 because I was having childcare issues. And 24 that was also one of the reasons why they</p>	<p>1 A. No. 2 Q. Why not? 3 A. I was considering it. I didn't 4 want to do it because I needed it for 5 childcare reasons. But at the same time, 6 that work environment was so awful that 7 something had to change. So I was, um, 8 sitting on it. I didn't know what I was 9 going to do. 10 Q. Did you take him up on his offer at 11 any point? 12 A. I told him that I would consider 13 it. 14 Q. At some point did you give him an 15 answer? 16 A. No. 17 Q. Did you ever switch to 1 Squad? 18 A. Nope. 19 Q. Why not? 20 A. Because I think I was already moved 21 to 2 Squad before that even transpired. 22 Q. You didn't tell him no because you 23 didn't want to work with Kuszak? 24 A. No. That's absurd. If I told him</p>

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<p>304</p> <p>1 no, it's probably because if I had made that 2 choice to go to daywork, 2 Squad is the 3 better option, because of the schedules with 4 my husband. It works best with his 5 schedule. So 1 Squad, the only way 1 Squad 6 would have helped me is to get me away from 7 the guys. But it wouldn't have helped as 8 far as childcare needs. But I, I don't even 9 know Kuszak, so I don't know where that 10 comment came from.</p> <p>Q. Okay. So, even though it would 12 have gotten you away from 3 Squad, you never 13 actually moved to 1 Squad?</p> <p>MS. GURMANKIN: Objection, 15 asked and answered.</p> <p>THE WITNESS: I'm sorry, 17 could you repeat it?</p> <p>BY MS. MORRIS:</p> <p>Q. Even though a move, switching with 20 Justin Frank to go to 1 Squad would move you 21 away from the people who were harassing you, 22 you didn't go to 1 Squad?</p> <p>MS. GURMANKIN: Same 24 objection.</p>	<p>306</p> <p>1 were the best. 2 Q. Okay. Do you know who his friend 3 is? 4 A. He told me his name, but I only 5 remember the last name and I can't pronounce 6 it, so, no, I don't know the friend's name. 7 Q. Do your best to pronounce it. 8 A. Marinuchi, Marigotti, some Italian 9 last name that begins with an M. 10 Q. Okay. When did you amend your EEOC 11 charge? 12 A. I don't remember the date. 13 Q. Okay. Why did you amend it? 14 A. Because there's things that I 15 wanted to add to the investigation. 16 Q. Did you have the assistance of 17 counsel when you amended it? 18 MS. GURMANKIN: Just yes or 19 no. 20 THE WITNESS: Yes. 21 BY MS. MORRIS: 22 Q. Who typed the complaint? 23 A. I did. 24 Q. What did you report, what did you</p>
<p>305</p> <p>1 THE WITNESS: That's correct. 2 BY MS. MORRIS: 3 Q. Okay. When did you file your -- 4 when did you hire counsel? 5 A. I hired counsel shortly after I was 6 transferred to Southwest Detectives. 7 Q. When was that? 8 A. Sometime in September or October of 9 2014. 10 Q. Okay. And then did you hire your 11 current counsel? 12 A. Yes. 13 Q. Okay. Did you speak to any lawyers 14 before then? 15 A. No. 16 Q. How did you hear about the Console 17 form -- firm? Excuse me. 18 A. My brother referred me. 19 Q. Your brother, who's a police 20 officer? 21 A. Yes. 22 Q. Okay. Do you know how he was aware 23 of them? 24 A. He heard from a friend that they</p>	<p>307</p> <p>1 want to add? What did you complain about in 2 your amended complaint? 3 A. I don't recall. If I had the 4 paperwork in front of me, I would remember. 5 Q. You don't recall anything from that 6 amended complaint? 7 A. I think I wanted to include 8 everything that happened to me prior than 9 the incidents at 3 Squad South. So it would 10 be the 2007 incident at Palm's, it would be 11 the 2005 or 2006 or 2007 incident of Al 12 Corson stating that -- asking me if I gave 13 my then fiance road head. What else? 14 Oh, it would be the, I believe, 15 2009, I'm not too sure about this year, the 16 incident with Officer Davis exposing 17 himself. I'm not sure of the year. Also, 18 2010 or 2011, the incident of Officer 19 Lomizov slapping my back side. 20 Q. I'm sorry, officer who? 21 A. Lomizov. 22 Q. Thank you. The incident, I'm not 23 sure of the date, it could be 2010, 2011, 24 when I was in the police vehicle with</p>

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28 (Pages 308 to 311)

<p>1 Officer Gaspar and the two Center City 2 officers sent me that text, from what I 3 remember, are you fucking that, that 4 incident. The inappropriate comment 5 Sergeant Wood made to me about no man would 6 ever turn down a blow job. All of those 7 incidents.</p> <p>8 THE VIDEOGRAPHER: We have to 9 go off the record now to change the tape.</p> <p>10 THE WITNESS: Okay.</p> <p>11 THE VIDEOGRAPHER: Going off 12 the video record at 11:25 a.m. Hold on, 13 please. This completes, completes tape 14 No. 3. Hold on, please.</p> <p>15 (Discussion held off video 16 record:</p> <p>17 THE VIDEOGRAPHER: Okay, 18 we're clear, thank you.</p> <p>19 THE WITNESS: Could we take 20 another break?</p> <p>21 MS. GURMANKIN: Sure.</p> <p>22 MS. MORRIS: Yeah, quickly, 23 please.</p> <p>24 (Whereupon, a recess was</p>	<p>308</p> <p>1 down. It was time to put myself aside and 2 start taking responsibility, speak out so 3 that things can be changed and helped for 4 the past, present, future female victims on 5 this job.</p> <p>6 Q. You said you were in a dark place. 7 At what point was that?</p> <p>8 A. I mean I came to a really dark 9 place when they, they sent me to Southwest 10 Detectives. They were punishing me for 11 asking for help.</p> <p>12 Q. Why was it punishment to be sent to 13 Southwest?</p> <p>14 A. Anytime you're sent to Southwest, 15 it's usually for punitive measures. My own 16 father was sent to Southwest --</p> <p>17 Q. Mm-hmm.</p> <p>18 A. -- for disciplinary issues. Many 19 of his friends were sent to Southwest for 20 disciplinary issues. I've heard of officers 21 being sent to Southwest for disciplinary 22 issues. It's a well-known division where 23 they send you for punitive measures. If you 24 look at the Disciplinary Code it says</p>
<p>1 taken at this time.)</p> <p>2 THE VIDEOGRAPHER: We are 3 back on the video record, 11:30 a.m., tape 4 No. 4.</p> <p>5 BY MS. MORRIS:</p> <p>6 Q. Detective, why didn't you mention 7 the incidents with Corson, Holmes, Davis, 8 Lomizov, and Gaspar in your first charge 9 with the EEOC?</p> <p>10 A. I was, uh, I was afraid. I didn't 11 initially even want to come forward with the 12 3 Squad complaints. It took a lot for me to 13 come out with all that. But it was 14 important for me that the city knew exactly 15 what I had been dealing with all this time.</p> <p>16 I just felt like I was asking for 17 something so simple to be addressed and they 18 punished me by moving me to Southwest. At 19 that time, it was the worst point of my 20 career. I was in a really dark place. But 21 I wanted all that to change and I wanted to 22 start a new life for myself and I knew that 23 by doing that I needed to stop carrying this 24 baggage with me. It's time to put the cross</p>	<p>309</p> <p>1 transfer might be one of the reasons, and 2 it's usually always Southwest that they send 3 you.</p> <p>4 Q. Okay. But the Disciplinary Code 5 doesn't say transfer to Southwest as --</p> <p>6 A. It does say --</p> <p>7 Q. -- a form of punishment?</p> <p>8 A. -- transfer may be, transfer may be 9 a form of punishment. It doesn't say 10 Southwest.</p> <p>11 Q. Thank you. When was your father 12 sent there? What year?</p> <p>13 A. I don't remember the year.</p> <p>14 Q. When were his friends sent there?</p> <p>15 A. I don't know those years either.</p> <p>16 Q. Who were the other people that were 17 sent there for disciplinary punishment?</p> <p>18 A. I don't know. It's a lot.</p> <p>19 Q. Can you name one person who was 20 sent there as a result of discipline other 21 than your father?</p> <p>22 A. Henry Kallas.</p> <p>23 Q. And what was his discipline? What 24 was he being disciplined for?</p>

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1 A. I don't know. 2 Q. Anyone else? 3 A. John Leinmiller. 4 Q. What was he being disciplined for? 5 A. The rumor was it was, uh, domestic 6 related, but I wouldn't have that 7 information. 8 Q. What year? 9 A. I don't know. 10 Q. When was Henry Kallas sent there? 11 A. I don't know what year that was. 12 Q. What was your father being 13 disciplined for? 14 A. I forget what the allegations were. 15 Q. What did you believe you were being 16 punished for? 17 A. I just feel like this department 18 feels like it's your fault if you're 19 sexually harassed or gender discriminated 20 against. It's like this department is set 21 back in, like, the 1950s mentality, and... 22 Q. Okay. What -- 23 A. The way they treat women. 24 Q. -- specifically had you done that	1 Q. Did you ask him what that meant? 2 A. He said that they couldn't move all 3 the male detectives, so they were going to 4 move me for my protection. 5 Q. Protection from what? 6 A. I didn't ask him. 7 Q. Do you think that all the 8 detectives assigned to Southwest are poor 9 quality detectives? 10 A. No. 11 Q. You think that every detective 12 assigned there is assigned as a result of 13 discipline? 14 A. I'm sorry, are we talking about 15 South or Southwest? 16 Q. Southwest. 17 A. I don't believe that they're all 18 there sent for discipline. Some of them are 19 just there because they don't have any 20 political influence and they were just 21 assigned there when they were promoted. But 22 if they weren't assigned there when they 23 were promoted, they were probably 24 disciplined and sent there. And if that		
	313		315
1 you believe you were being punished for? 2 A. I reached out for help, and they 3 don't want you to do that. They want you to 4 be quiet. 5 Q. When -- 6 A. And, uh, handle it yourself. 7 Q. When had you requested help? 8 A. Um... 9 Q. What specifically are you referring 10 to? 11 A. When I complained. 12 Q. When you complained to who? 13 A. When I complained to the EEO, first 14 complaint. Shortly thereafter, I was told I 15 was being transferred to Southwest. 16 Q. Who told you you were being 17 transferred? 18 A. Captain Derbyshire. 19 Q. What did he tell you? 20 A. I believe it was September 5th or 21 September 6th of 2014. 22 Q. Okay. Did he tell you why? 23 A. He told me it was for my 24 protection.	1 wasn't the case, I don't know anybody that 2 would want to put a transfer to Southwest 3 unless you lived extremely close to that 4 division, which a big percentage of the 5 police do not, um, so. 6 Q. Do you know how many detectives 7 are, were, at the time were assigned to 8 Southwest? 9 A. No. 10 Q. Are you aware of the process for 11 approving transfer requests? 12 A. From what I understand, you fill 13 out a form, you type out a memo to your 14 sergeant, who approves it, sends it to the 15 lieutenant, lieutenant approves it, sends it 16 to the captain. He approves that. It goes 17 to the inspector. He approves it -- 18 approves it. I believe it goes to the 19 review board where it's approved by a 20 captain, an inspector, and I believe another 21 captain. I don't remember what -- who's, 22 who's actually at the review board. But, 23 yeah, that's pretty much the process. 24 Q. Did you -- at the time you were		

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30 (Pages 316 to 319)

1 transferred to Southwest, were you aware of 2 the operational needs of the division? 3 A. Well, when I told them that I had 4 an approved transfer -- oh, when I asked 5 them, why Southwest, they said you have to 6 stay in Rock South. I said, well, I have an 7 approved transfer to central that's also 8 located in Rock South. They didn't know 9 that. They said they would look into it. 10 Later on I was told there were manpower 11 issues at Southwest, yet... 12 (Knock on door.) 13 (Ms. Ghee leaves room.) 14 MS. MORRIS: Okay. 15 THE WITNESS: There was at 16 least five more detectives per squad when I, 17 when I came to Southwest, so it didn't seem 18 like they had manpower issues. 19 BY MS. MORRIS: 20 Q. Who's "they" that you're referring to? 21 A. One of the supervisors told me that 22 later on, after my meeting with Captain 23 Derbyshire, I forgot who it was, Sergeant	316	1 supervisors about where detectives are 2 needed throughout the city? 3 A. No. 4 Q. Did you ever tell Sergeant Linneman 5 that you wanted to stay at Southwest? 6 A. Uh, yeah. 7 Q. When did you tell him that? 8 A. It was December 2014. I heard 9 rumors that I was going to Central 10 Detectives. And I decided to rescind that 11 request because I heard that Central 12 Detectives heard the entire story about 13 South, and from what I was aware, Southwest 14 didn't have any information other than the 15 thought that they thought I was being 16 punished and they felt bad for me. They 17 didn't know I complained. They just thought 18 I was being punished. So at that time I was 19 more comfortable being at Southwest than I 20 was Central. 21 And, also, Sergeant Linneman at the 22 time told me that the investigation would be 23 over after Christmas and that they were 24 going to transfer me out of there, anyway,	318
1 Hampton, somebody from South -- oh, that's 2 right. I think it was Lieutenant Morton. 3 Q. And what did he tell you? I don't 4 understand. 5 A. I think he told me that it was 6 manpower issues. 7 Q. And that detectives were needed 8 where? 9 A. Southwest. But like I said to you, 10 I don't see how that's possible, being that 11 there were at least five more detectives in 12 each squad compared to South. 13 Q. Well, you're not aware of, of how 14 the operations are run; right? 15 A. As far as what? 16 MS. GURMANKIN: Objection to form. 17 BY MS. MORRIS: 18 Q. You're not a supervisor, are you? 19 A. No. 20 Q. Do you speak with the inspector about the needs of the division? 21 A. No. 22 Q. Do you speak with any of your	317	1 to a permanent assignment. I didn't want to 2 be detailed to Central for a short amount of 3 time and then permanently transferred to 4 somewhere else -- somewhere else. I was 5 just okay with staying with Southwest for 6 the time being, until they decided where to 7 put me permanently. 8 (Ms. Ghee returns.) 9 BY MS. MORRIS: 10 Q. When did you put in your request to transer to Central Detectives? 11 A. It was while I was in South. I 12 don't know the exact time frame. 13 MS. MORRIS: Okay. I'm going 14 to show you -- V-10, Cath? 15 COURT REPORTER: Yes. 16 (Exhibit V-10 was marked for identification.) 17 BY MS. MORRIS: 18 Q. Is this your request for a transfer to Central? 19 A. Yes. 20 Q. Okay. When did you submit it? 21 A. It looks like I submitted it on	319

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	320		322
1	March 21st, 2014.	1	approved it or disapproved it, you know.
2	Q. Okay. You wrote, "Working in South	2	Q. Okay. Looking at this sheet --
3	Division has been a great learning	3	that's fair. Looking at this sheet, it
4	experience."	4	looks like he signed off "Approved for
5	Do you agree with that statement?	5	Interview". Is that correct?
6	A. No. But as I told you in the last	6	A. Yes.
7	deposition, you're pressured to write	7	Q. And he did it on March 31st, 2014,
8	specific things not to offend the captain.	8	correct?
9	Q. Who did you submit this request to?	9	A. Yes.
10	A. Must have been Lieutenant LaSalle	10	Q. After you submitted your request to
11	at the time, because he was my direct	11	transfer to Central, did you ever get an
12	supervisor.	12	update on it?
13	Q. Okay. And the -- your supervisors	13	A. It was completely approved, and it
14	had the opportunity to note police attitude,	14	was just sent on the waiting list where, you
15	correct?	15	know, the list is -- goes by seniority. So
16	A. Yes.	16	once there's detectives that are promoted
17	Q. And your attendance and promptness?	17	and released, then the -- they hit the
18	A. Yes.	18	transfer list. And if you're, you know,
19	Q. And supervision required? Right?	19	next on the list, then they'll transfer you.
20	A. Yes.	20	Q. Okay. So transfers are based on
21	Q. And Captain Derbyshire signed this,	21	seniority. Are they based on anything else?
22	is that correct?	22	A. If you've been disciplined, the --
23	A. Yes.	23	if you've been disciplined within a year, or
24	Q. Do you know whether he checked off	24	two years, I'm not sure what it is, then you
	321		323
1	the boxes there in that section?	1	can't be approved for a transfer.
2	A. I'm going to say either the	2	Q. Any other reasons that affects the
3	sergeant or lieutenant did that. I don't,	3	ability to transfer?
4	don't think that the captain does that	4	A. Being on the sick leave list. If
5	portion.	5	you're on that list you can't transfer. But
6	Q. Okay. So LaSalle or who, who would	6	other than that, I don't think so.
7	the sergeant have been?	7	Q. How about operational needs?
8	A. Hampton.	8	A. Operational needs? That, in my
9	Q. Okay. And one of them noted that	9	experience I've never seen anyone being
10	your attitude was excellent, correct?	10	transferred based on, well, listen, you're
11	A. Yes.	11	going here just because we're short. It
12	Q. That your attendance and promptness	12	just -- that doesn't happen. If they
13	were excellent?	13	request it, then they might have more of a
14	A. Yes.	14	chance of going to that location if they
15	Q. And that you required seldom	15	need manpower. But it's never like you're
16	supervision, is that correct?	16	plucked out, you're going here because we
17	A. Yes.	17	need you. I personally haven't experienced
18	Q. Okay. And then you were approved	18	that.
19	for an interview by Inspector Washington,	19	Q. Have you -- okay. Did you speak
20	correct?	20	with Inspector Washington about the status
21	A. At this point, you know, yeah.	21	of your request for a transfer to Central?
22	Yes.	22	A. No.
23	Q. Okay.	23	Q. Did you speak to anybody in your
24	A. But I mean I didn't know when he	24	chain of command once you submitted your

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<p>1 application about the status of it?</p> <p>2 A. I believe I asked either the</p> <p>3 sergeant or the lieutenant if the captain</p> <p>4 had received the request. And they said</p> <p>5 they would look into it. And I'm pretty</p> <p>6 sure they got back to me and said, yeah, he</p> <p>7 has it.</p> <p>8 Q. Who's he?</p> <p>9 A. The captain.</p> <p>10 Q. Okay. Do you know what the</p> <p>11 staffing -- or, excuse me, the transfer</p> <p>12 review board does, the staffing transfer</p> <p>13 review board?</p> <p>14 A. Once it's approved by all these</p> <p>15 supervisors, it goes to the review board,</p> <p>16 which then they create a list, and then it's</p> <p>17 based on seniority.</p> <p>18 Q. How do you know what the review</p> <p>19 board does?</p> <p>20 A. There is a directive on it that</p> <p>21 talks about it.</p> <p>22 Q. Do you know what the directive is?</p> <p>23 A. I think it's -- I don't know the</p> <p>24 number, but it's the transfer process</p>	<p>1 Q. Okay. It's dated December 19th,</p> <p>2 2014. Is that the date that you think that</p> <p>3 you --</p> <p>4 A. Yes.</p> <p>5 Q. -- submitted it? I'm sorry?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. So you submitted it on the</p> <p>8 19th, right, and then there's a stamp on</p> <p>9 there, it says, "Transfer withdrawn,</p> <p>10 December 22nd, 2014." Is that correct?</p> <p>11 A. Correct.</p> <p>12 Q. So they approved your request to</p> <p>13 rescind and rescinded your transfer, is that</p> <p>14 correct?</p> <p>15 A. It appears so.</p> <p>16 Q. Mm-hmm.</p> <p>17 A. Again, this is right before</p> <p>18 Christmas.</p> <p>19 Q. I don't have a question.</p> <p>20 MS. GURMANKIN: You've</p> <p>21 answered.</p> <p>22 THE WITNESS: Okay.</p> <p>23 BY MS. MORRIS:</p> <p>24 Q. Okay. Let's talk about the 2007</p>
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<p>1 directive.</p> <p>2 Q. Okay. When did you request to</p> <p>3 rescind your transfer?</p> <p>4 A. It must have been right after my</p> <p>5 friend's wedding. Because I ran into a</p> <p>6 detective that worked at Central and, and he</p> <p>7 asked me how I was, and I was like, I'm not</p> <p>8 good, I'm in Southwest. He's like, I</p> <p>9 know --</p> <p>10 Q. Detective, when?</p> <p>11 A. I'm trying to think when my friend</p> <p>12 was married. I don't remember. I don't</p> <p>13 remember that date.</p> <p>14 Q. Okay. I'm going to show you a doc.</p> <p>15 Mark it as V-11.</p> <p>16 (Exhibit V-11 was marked for</p> <p>17 identification.)</p> <p>18 BY MS. MORRIS:</p> <p>19 Q. Is this your request to rescind the</p> <p>20 transfer request to Central?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. The date on the -- did you</p> <p>23 type up this memo?</p> <p>24 A. Yes.</p>	<p>1 incident with Inspector Holmes. When did</p> <p>2 you first report that?</p> <p>3 A. At internal affairs EEO.</p> <p>4 Q. Mm-hmm. Okay. When?</p> <p>5 A. I don't remember the date.</p> <p>6 Q. Was it when you first filed your</p> <p>7 complaint with EEO in August 2014?</p> <p>8 A. No, it was the first amended</p> <p>9 charge.</p> <p>10 Q. It was the first amended charge to</p> <p>11 your amendment to the EEOC charge or EEO?</p> <p>12 A. I think I first changed it with the</p> <p>13 EEOC and then submitted it to the EEO.</p> <p>14 Q. Okay. And you did that because --</p> <p>15 and when I had asked you if you had</p> <p>16 previously -- why you had previously not</p> <p>17 reported it, and you said, among other</p> <p>18 things, that you were scared to report it</p> <p>19 until that time?</p> <p>20 A. Mm-hmm.</p> <p>21 Q. Is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. How did you finally find the</p> <p>24 courage to file -- to amend the charge and</p>

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<p>1 complain about it at that time?</p> <p>2 A. Because I needed my life to change.</p> <p>3 I survived my first ten years of my career</p> <p>4 by keeping my mouth shut and carrying these</p> <p>5 things along with me, and blaming myself,</p> <p>6 and letting them bring me down, feeling</p> <p>7 worthless myself, feeling like I was</p> <p>8 nothing. And after I complained initially,</p> <p>9 it just -- I wanted a change. I, I felt</p> <p>10 like it was completely unfair that they</p> <p>11 punished me and sent me to Southwest. They</p> <p>12 were bringing my fears to the forefront in</p> <p>13 my mind because they were retaliating just</p> <p>14 like I thought they would.</p> <p>15 Q. I'm asking you, why at that point</p> <p>16 did you, how did you find at that point --</p> <p>17 A. I'm trying to explain it to you.</p> <p>18 MS. GURMANKIN: You can</p> <p>19 continue your answer. You were answering.</p> <p>20 BY MS. MORRIS:</p> <p>21 Q. It's not actually responsive, so</p> <p>22 I'm redirecting you to the question --</p> <p>23 MS. GURMANKIN: It is</p> <p>24 responsive.</p>	<p>1 discrimination and harassment at work. I</p> <p>2 wasn't a mom I should have been to him and</p> <p>3 it wasn't fair. His mom deserves to have</p> <p>4 somebody that's going to be one hundred</p> <p>5 percent there for him. I'm not going to let</p> <p>6 this city dictate my life anymore and making</p> <p>7 me miserable and making me feel worthless</p> <p>8 because I'm a female because this isn't the</p> <p>9 world we live in anymore.</p> <p>10 Q. Okay.</p> <p>11 A. And it's not fair and it's not</p> <p>12 right.</p> <p>13 Q. Well, when was your son born?</p> <p>14 A. He was born July 2013.</p> <p>15 Q. Right. So, you reported the Holmes</p> <p>16 incident in 2014 --</p> <p>17 A. Yeah.</p> <p>18 Q. -- correct?</p> <p>19 A. The following year.</p> <p>20 Q. Okay.</p> <p>21 A. That's correct.</p> <p>22 Q. So, tell me about how, when you</p> <p>23 first met Inspector Holmes?</p> <p>24 A. I met him when I was first applying</p>
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<p>1 BY MS. MORRIS:</p> <p>2 Q. -- why at that point --</p> <p>3 MS. MORRIS: It's not</p> <p>4 responsive. And that's not your call to</p> <p>5 make.</p> <p>6 MS. GURMANKIN: It is. You</p> <p>7 can continue your answer.</p> <p>8 THE WITNESS: Okay. I was</p> <p>9 just, you know, I felt like what can they do</p> <p>10 to me, to me now, throw me in jail? I</p> <p>11 wanted, I wanted to have a voice. It's my</p> <p>12 turn. I want to let this city know exactly</p> <p>13 what I've had to deal with for the last 12</p> <p>14 years, what other women are currently</p> <p>15 dealing with, with put -- women have dealt</p> <p>16 with and are still carrying and can't speak</p> <p>17 up. I just wanted a change, I...</p> <p>18 BY MS. MORRIS:</p> <p>19 Q. Why at that point?</p> <p>20 A. I think personally I, I had a</p> <p>21 mental change after I had my son. Things</p> <p>22 weren't about me anymore, things were about</p> <p>23 him. Coming home, I wasn't the mom I should</p> <p>24 have been because of the things, the</p>	<p>1 to be a police recruit at the Frank Rizzo</p> <p>2 Rink. That's where they had the agility</p> <p>3 test to, you know, to test, test your</p> <p>4 agility to get into the recruit.</p> <p>5 Q. Were you being tested at that time?</p> <p>6 A. Yes. And he was present, and, uh,</p> <p>7 knew my dad. They worked together in the</p> <p>8 22nd.</p> <p>9 Q. It was when you were in the</p> <p>10 academy?</p> <p>11 A. This is while I was applying to get</p> <p>12 in the academy. My dad introduced him. He</p> <p>13 seemed like a gentleman. Right away I was</p> <p>14 impressed, just the way he talked. I looked</p> <p>15 up to him because he was like big boss and</p> <p>16 just so nice and he said so many nice things</p> <p>17 about my dad.</p> <p>18 Q. Was this in 2007?</p> <p>19 A. No, this was either 2004 or 2003.</p> <p>20 It was the process of getting into the</p> <p>21 academy.</p> <p>22 Q. Okay. What was his title at the</p> <p>23 time?</p> <p>24 A. I think he was inspector.</p>

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<p>1 Q. Okay. Did you -- when did you next 2 have contact with him?</p> <p>3 A. After that I seen him, I don't know 4 how many times in the academy. He taught us 5 a few classes.</p> <p>6 Q. Excuse me. What was your 7 relationship with him when you were in the 8 academy?</p> <p>9 A. We never really had personal 10 conversations while I was in the academy. 11 He was the teacher, I was the recruit. It 12 wasn't -- we didn't, um, there were no 13 conversations between us.</p> <p>14 Q. Did he act professionally towards 15 you?</p> <p>16 A. Yes.</p> <p>17 Q. After the academy when did you next 18 see him, or really interact with him, not 19 just see him?</p> <p>20 A. I was in the 24th, and he started 21 making appearances during the last out hours 22 after, I believe, and I hope I'm not getting 23 this wrong because it would be awful if I 24 did, Officer Skerski was shot. There was a</p>		<p>1 Q. At that time was he the inspector 2 of the 24th?</p> <p>3 A. Yes.</p> <p>4 Q. What shift were you working when 5 you saw him and he was on the last out?</p> <p>6 A. Midnight to 8:00, 8:00 a.m.</p> <p>7 Q. So you were on the last out, too?</p> <p>8 A. No, he, he was not on last out, per 9 se. I think he was on some sort of middle 10 shift, 6:00 to 2:00. I don't know what his 11 schedule was, but he didn't work the entire 12 tour with us.</p> <p>13 Q. So you worked last out, and when 14 you were working last out that's when he 15 would make appearances?</p> <p>16 A. Right, the first few hours.</p> <p>17 Q. Okay. Okay, and when he made his 18 appearances, did you have any type of, type 19 of interaction?</p> <p>20 A. Yeah, the, the first interaction, 21 came over to me immediately, was asking me 22 how my dad was. And I just felt great. I 23 was like, wow, this guy is so, like, huge 24 around here and, you know, and he's coming</p>	
<p>1 community relation officer in the 15th. And 2 it's one of our first shootings we had to 3 deal with. It seemed like after that there 4 was a lot of officers shot. But Inspector 5 Holmes had started making appearances after 6 that on the last out shift.</p> <p>7 Q. Would you say it was because there 8 was a rise in police shootings?</p> <p>9 A. No. I mean it was a bad district 10 in itself. I mean the shooting that 11 occurred with Officer Skerski, I don't know 12 when the next shooting was, but it wasn't -- 13 in other words, Inspector Holmes wasn't 14 making appearances because all of a sudden 15 cops were getting shot at.</p> <p>16 Q. Why was he making appearances?</p> <p>17 MS. GURMANKIN: Objection to 18 form.</p> <p>19 THE WITNESS: I don't know. 20 But that's when I started to see him a lot. 21 BY MS. MORRIS:</p> <p>22 Q. Do you know when that was?</p> <p>23 A. Either the end of 2006 or the 24 beginning of 2007.</p>	333	<p>1 over to talk to me. He didn't speak to the 2 other officers. I was honored. I looked up 3 to him. After that, I seen him a couple 4 times on the street. He would go to some of 5 my jobs.</p> <p>6 Q. Do you know whether that was usual 7 for the inspector to go to detective's --</p> <p>8 A. No, that's not.</p> <p>9 Q. -- to officer's jobs?</p> <p>10 A. No, that's not usual at all.</p> <p>11 Q. How do you know?</p> <p>12 A. Because I've never seen it before 13 except with me.</p> <p>14 Q. Well, you don't know what happens 15 in other districts, right?</p> <p>16 A. I mean the captain sometimes drives 17 around, but you'll never see an inspector 18 driving to a job. I mean, I -- it's 19 possible, but it's just not, it's just not 20 usual. It's very unusual.</p> <p>21 Q. Okay. So he went to your jobs. 22 What else? What other kind of interactions 23 did you have?</p> <p>24 A. He asked me for my phone number. I</p>	335

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<p>1 gave it to him.</p> <p>2 Q. When did he ask you for your phone</p> <p>3 number?</p> <p>4 A. I don't remember the date.</p> <p>5 Q. Why did he say he wanted it?</p> <p>6 MS. GURMANKIN: Objection to</p> <p>7 form.</p> <p>8 THE WITNESS: I don't really</p> <p>9 recall why he said he wanted it. I just</p> <p>10 know that we exchanged phone numbers and he</p> <p>11 called me.</p> <p>12 BY MS. MORRIS:</p> <p>13 Q. Why do you think he wanted your</p> <p>14 phone number?</p> <p>15 A. I don't think I speculated on why</p> <p>16 he wanted my number. I was just excited</p> <p>17 that he asked for my number because I wanted</p> <p>18 to form a friendship with him. And I</p> <p>19 believed that just being around him, somehow</p> <p>20 his success was going to rub off on me.</p> <p>21 Q. When he called you, what would you</p> <p>22 talk about?</p> <p>23 A. When he called me, one morning he</p> <p>24 called me, anytime he called me it was</p>	<p>336</p> <p>1 conversation. It was more like his</p> <p>2 expressing his fantasies.</p> <p>3 Q. At any point did you tell him you</p> <p>4 were uncomfortable with this?</p> <p>5 A. No.</p> <p>6 Q. Did you tell him to stop?</p> <p>7 A. No.</p> <p>8 Q. Do you know whether he knew that</p> <p>9 you were not interested in the</p> <p>10 conversations?</p> <p>11 A. I don't think he really cared. He</p> <p>12 was just into the moment and talking about</p> <p>13 his sexual desires and fantasies. And, uh,</p> <p>14 I mean I could have had the phone on the</p> <p>15 table, it wouldn't have mattered because he</p> <p>16 was just going on and on.</p> <p>17 Q. How long would the conversations</p> <p>18 last?</p> <p>19 A. Not long.</p> <p>20 Q. What does that mean?</p> <p>21 A. Nothing too lengthy. If I had to</p> <p>22 put a time on it, no more than ten minutes.</p> <p>23 Q. Why did you answer when he called?</p> <p>24 A. Well, the first time I answered</p>
<p>1 sexual conversations.</p> <p>2 Q. How many were there?</p> <p>3 A. I'm not sure, about three to five</p> <p>4 different phone calls.</p> <p>5 Q. Any particular time of day?</p> <p>6 A. It was in the morning. I remember</p> <p>7 being off from work.</p> <p>8 Q. Do you know if he was calling you</p> <p>9 from his cell phone or his office phone?</p> <p>10 A. It was his cell phone, and he</p> <p>11 actually had the bill delivered to the 24th</p> <p>12 District.</p> <p>13 Q. How do you know?</p> <p>14 A. He told me that.</p> <p>15 Q. Did he tell you why?</p> <p>16 A. Because he was married.</p> <p>17 Q. You knew he was married?</p> <p>18 A. Yes.</p> <p>19 Q. How did you -- were you comfortable</p> <p>20 with the sexual conversations?</p> <p>21 A. No.</p> <p>22 Q. Did you engage in the conversation?</p> <p>23 Did you respond to him?</p> <p>24 A. No. It was -- it was one-sided</p>	<p>337</p> <p>1 because I thought that the conversations</p> <p>2 would be the way they were when we were at</p> <p>3 work. I was disappointed because I felt</p> <p>4 that he seen some kind of potential in me,</p> <p>5 and here he's just looking at me as some sex</p> <p>6 object. So, after that first conversation I</p> <p>7 didn't really want to believe it. I thought</p> <p>8 I could change his mind into thinking like,</p> <p>9 hey, I have potential. Um, yeah.</p> <p>10 Q. So you said the conversations were</p> <p>11 one-sided. Did you talk to him about work</p> <p>12 on these phone calls?</p> <p>13 A. No. I mean when I was at work I</p> <p>14 talked to him about work. I thought he was</p> <p>15 a good guy.</p> <p>16 Q. Why did you answer the third time</p> <p>17 he called you?</p> <p>18 A. At that point, I didn't really know</p> <p>19 how to handle it. I didn't know how to tell</p> <p>20 him I didn't like it. I didn't know how to</p> <p>21 tell him I was uncomfortable, like, I just</p> <p>22 didn't know what to do. I thought if I stop</p> <p>23 answering the phone calls, is he going to</p> <p>24 approach me about it? Like, I didn't, I</p>

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1	didn't know what to do, so I just kept	1	just, just -- did Inspector Holmes have any
2	answering the phone. It wasn't until after,	2	type of reputation with respect to women?
3	it wasn't until after he sexually assaulted	3	A. During that time?
4	me I said, I'm not picking up that phone. I	4	Q. Yeah.
5	said, I'll never put myself in that position	5	A. I was not aware of any kind of, you
6	again.	6	know, allegations of any sort.
7	Q. Did you tell anyone about the phone	7	Q. How did it, the incident in his
8	calls and how they made you feel?	8	office, how did that happen?
9	A. Yes.	9	A. He called me up to his office.
10	Q. Who?	10	Q. When was this?
11	A. I told my mom.	11	A. 2007.
12	Q. What did she say?	12	Q. What month?
13	A. I didn't cry to her about it. I	13	A. It was, uh, it was either the first
14	just was like, this guy's nuts. He's just	14	two weeks of March or the last two weeks of
15	on the phone, like, talking about his sexual	15	February.
16	fantasies and he just, like, he goes in his	16	Q. Where, where was he when he called
17	own little world and, like, this guy's	17	you, do you know?
18	crazy, like, I never thought he was like	18	A. No, that, um, that recollection is,
19	this and I can't believe how dumb that is	19	is fuzzy as to whether he told me in person
20	because of what he's risking.	20	to see him in his office or he texted me or
21	Q. What did your mom tell you?	21	he called me, like. I don't remember. I
22	A. She was just shocked and she said,	22	just remember that he summoned me to his
23	What are you gonna do? You know. I don't	23	office.
24	think she knew what to say.	24	Q. Where were you when he summoned
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1	Q. What did you tell her?	1	you?
2	A. I don't know, I don't know what I'm	2	A. I was in the operations room of the
3	gonna do.	3	24th.
4	Q. Did you tell your dad?	4	Q. And why do you think your memory is
5	A. No.	5	fuzzy?
6	Q. Did you tell your brother?	6	A. I don't know. I mean some things I
7	A. No.	7	can remember like they happened yesterday,
8	Q. Did you tell your, I don't -- was	8	but some things like that I just, they're
9	he your fiance at the time, your current	9	fuzzy. I don't know why.
10	husband?	10	Q. What shift were you working when he
11	A. I did tell my husband, but I didn't	11	summoned you?
12	tell him --	12	A. 12:00 midnight to 8:00 a.m.
13	MS. GURMANKIN: Don't talk	13	Q. Okay, what happened? Did you go to
14	about --	14	his office?
15	THE WITNESS: Okay.	15	A. Yeah. I went inside. I didn't,
16	MS. GURMANKIN: -- conversations.	16	uh, I only took a few short steps in, as I
17	THE WITNESS: Sorry.	17	seen he wasn't wearing a uniform. He had a
18	BY MS. MORRIS:	18	Eagles jersey on, sitting there smoking at
19	Q. Did you tell your husband?	19	his desk. So I, I automatically had a bad
20	MS. GURMANKIN: Well, I'm going	20	feeling.
21	to instruct you not to answer. That goes to	21	Q. Why?
22	marital communications.	22	A. It didn't feel right. He wasn't in
23	BY MS. MORRIS:	23	uniform. The conversations that we had.
24	Q. What was, at this time, what was	24	Q. What conversation did you have?

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<p>1 A. The sexual con -- the phone 2 conversations.</p> <p>3 Q. You mean prior to that --</p> <p>4 A. Yes.</p> <p>5 Q. -- moment? Okay. Why did you go 6 in his office then?</p> <p>7 A. I mean an inspector calls you into 8 his office, you don't tell him no. It's not 9 like it was off-duty. It was working. He 10 called me into his office in the very 11 building that I work for, I mean. You 12 can't, you know, it's insane. (Phone 13 ringing.) So, I walked in his office, and, 14 uh...</p> <p>15 Q. Go ahead.</p> <p>16 A. Um, I don't recall the 17 conversation, if there was any, but he got 18 up from his desk and he told me -- I hate 19 thinking about this. He said he wanted to 20 know how wet I was. And, um, he, uh, got 21 real close to me, stuck his hands down my 22 pants, down my underwear, inserted his 23 fingers inside my vagina. It's, like, how 24 many times do I have to talk about this?</p>	<p>1 upset because I was upset and, uh, you know, 2 my face, um, would turn red, red when I was 3 upset back then. Anyway, I do remember 4 seeing Detective Newberg.</p> <p>5 Q. You don't remember seeing any other 6 detectives?</p> <p>7 A. No. I immediately went to the 8 bathroom downstairs in the, uh, police area 9 after that.</p> <p>10 Q. Okay. You said that you were 11 wearing your police uniform. Correct?</p> <p>12 A. Yes.</p> <p>13 Q. What does that consist of? At that 14 time, what did it consist of?</p> <p>15 A. The belt, pants, a button-down 16 shirt. It depends on the weather, so we're 17 talking March, February is, uh, winter. 18 It's possible I could have been wearing a 19 black turtleneck.</p> <p>20 Also, I worked inside and on the 21 streets. So, excuse me, that changes, too. 22 If you're working inside, you don't have to 23 wear a vest, and the whole tool belt. You 24 just wear your gun and the belt. But if</p>
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<p>1 Q. What were you wearing?</p> <p>2 A. In this detail, all the time? I 3 was wearing a police uniform.</p> <p>4 Q. What is his -- does his office have 5 windows?</p> <p>6 A. I don't remember.</p> <p>7 Q. Was his office right across from 8 your father's office?</p> <p>9 A. His office was across from the 10 detective division. My dad, um, didn't work 11 at east during that time.</p> <p>12 Q. Who was, before you went to his 13 office, or at the time you went up to his 14 office, who, which of your colleagues were 15 present?</p> <p>16 A. There was, uh, I'm sorry, when I 17 was up near his office? There was, uh, 18 other detectives around, last out 19 detectives. Uh, I don't remember. When I 20 came out of the office, I seen Detective 21 Newberg. He looked at me funny as if to 22 say, like, you know, why in God's name are 23 you coming out of his office at this time of 24 night, you know. And, uh, I had to look</p>	<p>1 you're on the streets you're wearing a lot 2 more stuff.</p> <p>3 Q. Do you recall if you were in, 4 working inside or on the streets that night?</p> <p>5 A. I'd like to say I was working 6 inside that night, but I can't say a hundred 7 percent sure, so I'm, I'm not sure.</p> <p>8 Q. Okay. You mentioned a couple 9 belts. Were you wearing, wearing a belt to 10 essentially hold up your pants?</p> <p>11 A. You wear a Garrison belt. It's 12 a -- that's for your pants. And then you 13 wear the rig when you're working outside. 14 It goes on top of your Garrison belt, and 15 then buckles, hold that together.</p> <p>16 Q. Do you recall whether you were 17 wearing your -- your rig belt and top?</p> <p>18 A. I don't recall.</p> <p>19 Q. Do you know if you had your gun on 20 you?</p> <p>21 A. I had to have my gun on me because 22 I always wore it, even when I was inside. I 23 always had it on me.</p> <p>24 Q. Did you --</p>

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1 A. I wear it pretty high. It's, like, 2 back here. 3 Q. Do you -- is it attached to you 4 with a rig belt or not, something separate? 5 A. It's, uh, when you're wearing a 6 Garrison belt when you're working inside, 7 it's just a small, um, holster that slides 8 on the belt. 9 Q. And you're right-handed? 10 A. Yes. 11 Q. Okay. So was it your holster would 12 have been on your belt on your right side? 13 A. Yes. 14 Q. Okay. Where was Inspector Holmes 15 standing when this happened? 16 A. In front of me. 17 Q. Okay. Were you in the middle of 18 the room? 19 A. From my recollection, I was either 20 up against the wall or up, up against a 21 door. I don't remember. I just remember 22 that I didn't go in that far, because I had 23 a bad feeling. 24 Q. Was the door --	348	1 Q. At what point? 2 A. After he pulled out his hand, 3 tasted it and said it tasted good. I told 4 him I had to go. 5 Q. Did you tell him to stop? 6 A. No. 7 Q. Why do you think that he summoned 8 you to his -- I mean, when he summoned you 9 to his office, what did you think he wanted 10 to discuss? 11 A. I don't know. 12 Q. Did the two of you speak after that 13 night? 14 A. No. 15 Q. Did he ever call you? 16 A. Yes. 17 Q. And what happened? 18 A. I didn't answer. 19 Q. Did he stop calling after that? 20 A. Yes. 21 Q. Why do you think he stopped calling 22 you? 23 A. I think that, um, well, I don't 24 know, but I -- back then I'd hoped that he,	350
1 A. Um... 2 Q. I'm sorry. 3 A. So, you know, it was just like 4 towards the wall, not in the middle of the 5 room. 6 Q. Was the door open or closed? 7 A. I don't remember if he asked me to 8 shut it. I don't like to fill in with 9 details that I'm not sure about. So I don't 10 recall, you know. 11 Q. Did he put his hands down your 12 pants or through the zipper part? 13 A. I remember him unzipping my pants. 14 He might have tried to go that way, not make 15 it, and then go through the top part of the 16 pants. But I, I also don't remember that 17 very clearly because I think when I realized 18 what was happening I went into shock. 19 Q. When did you realize what was 20 happening? 21 A. Once he penetrated me, I, uh, I 22 went into complete shock. 23 Q. Did you say anything to him? 24 A. I told him I, I had to go.	349	1 like, felt bad for what he did. And, also, 2 that I could smell alcohol on his breath, so 3 maybe, you know, he wasn't thinking 4 straightly. So I thought maybe he felt bad. 5 But after hearing that Christa story, I 6 don't know about that. I think maybe he was 7 just glad that I didn't complain back then. 8 He was probably just, you know, saying thank 9 God she didn't complain. 10 Q. Do you know -- how do you know he 11 knew that you were not interested in what he 12 was doing? 13 MS. GURMANKIN: Objection to 14 the form. 15 THE WITNESS: I feel like he 16 would know that because I was like stiff and 17 I was just standing there and I was scared. 18 And I wasn't showing him that I was sexually 19 attracted to him. I wasn't touching him. I 20 didn't want to kiss him. I didn't -- I just 21 wanted to run out of there. I think my body 22 language was clear to him and, um, he, he 23 knows what he did that night was wrong. 24 BY MS. MORRIS:	351

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39 (Pages 352 to 355)

<p>1 Q. How do you know that? 2 A. Well, even if you look at his 3 deposition, he, he couldn't look me in the 4 eye. Um... 5 Q. Let's stop. I mean back then. How 6 did you know? You said that he gave up 7 because -- I said, I asked you why you think 8 he stopped calling you. You said, I think, 9 I'm going to paraphrase now, because he knew 10 what he did was wrong. 11 Why then, back in 2007, how did he 12 know that what he did was wrong? How do you 13 know that he knew what he did was wrong? 14 MS. GURMANKIN: Objection to 15 form. It states that it mischaracterizes 16 her testimony. But you can answer. 17 THE WITNESS: My, my 18 speculation was he had a few, he had a few 19 drinks that night. He wasn't thinking 20 properly. He went overboard. He indulged 21 in his fantasies, you know. And once he 22 became sober it was like, oh, my God, you 23 know, I shouldn't have done that. You know, 24 that wasn't right.</p>	<p>352</p> <p>1 a law degree. It was like, wow. I mean 2 it's impressive if you're a lawyer alone. 3 It's impressive if you're inspector alone. 4 When you combine those things it's like, how 5 good could it get? I just was, um, thought 6 that was great, and... 7 Q. Would it have helped your career if 8 you worked for him? 9 A. Oh, I think so. I mean this 10 department is very, uh, politic -- just 11 political. It's very, if you know the big 12 bosses, then, you know, you're likely to get 13 the good jobs, work the good units, that 14 sort of thing. 15 Q. Did you want to work inside? 16 A. Um, uh... 17 Q. Let me rephrase that. If you 18 worked for him, in what capacity would -- 19 what capacity would it have been? 20 A. I, I am not sure, like, what the 21 duties of an inspector's aide or any of the 22 other females that work in there are, but I 23 know that it gives you opportunity to study. 24 You're on a regular schedule. There's not</p>
<p>1 BY MS. MORRIS: 2 Q. Did he try to kiss you that night? 3 A. Can't say that he did or didn't. I 4 don't think so. 5 Q. At the time, were you married? 6 A. During the incident, uh, no. 7 Q. Were you engaged? 8 A. Yes. I was engaged. 9 Q. Prior to this incident, had you 10 asked Holmes if you could work for him? 11 A. Yes. 12 Q. When did you ask him that? 13 A. Prior to the incident, um, while he 14 was at the 24th. 15 Q. So sometime between 2004, 2007? 16 A. Sometime between the time I got to 17 the 24th, which would be 2005. So, sometime 18 between 2005 and 2007. 19 Q. Why did you want to work for him at 20 that time? 21 A. What I said before, I admired him, 22 I thought a lot of him, I thought he was 23 highly intelligent. I mean he was the, uh, 24 he was an inspector, and on top of that had</p>	<p>353</p> <p>1 all this pressure to try to feel like you're 2 one of the guys and to deal with that, um, 3 environment day in and day out. 4 Q. Did you tell him you were a good 5 typist? 6 A. I remember him saying that in the 7 deposition, but I don't, I don't remember 8 telling him that. 9 Q. Okay. You said after the incident 10 that Detective Newberg saw you. Did you 11 speak to Detective Newberg at any point 12 about that? 13 A. No. 14 Q. Why not? 15 A. I didn't talk to anybody about it. 16 I wanted to act like it never happened. 17 Q. In 2007, did you tell anyone about 18 the incident? 19 A. No. 20 Q. Why not? 21 A. I, I don't, I just, I wanted to act 22 like it never happened. I couldn't deal 23 with it. 24 Q. When, before the incident when he</p>

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40 (Pages 356 to 359)

1 was making those phone calls to you that 2 were sexual in nature, were you hoping to 3 work for him during this time period? 4 A. I don't remember thinking, having 5 that sort of mentality. I just remember 6 being disappointed and, um, wanting to 7 change his mind about me not being a sexual 8 object but a potential to be something in 9 this department. 10 Q. Was it during the same time period, 11 though, that you were hoping to work for 12 him? 13 MS. GURMANKIN: Objection, 14 asked and answered. You can answer again. 15 THE WITNESS: I suppose. 16 BY MS. MORRIS: 17 Q. The incident in his office, how 18 would anyone at the department have known 19 about it until you made your complaint, in 20 2014? 21 MS. GURMANKIN: Objection to 22 form. 23 THE WITNESS: Nobody could 24 have known anything. It was inside his	356	1 calls, because I remember the conversations 2 weren't sexual that night. 3 Q. Could it have been the same time? 4 A. I don't think so. 5 Q. How many drinks did you have when 6 you went out with him? 7 A. Not a lot, one or two. We weren't 8 there long. 9 Q. Is it your belief that, or was it 10 in 2007, that if you stopped paying 11 attention... 12 THE VIDEOGRAPHER: I think 13 it's coming from over here. 14 MS. GHEE: (Indicates.) 15 THE VIDEOGRAPHER: Yeah, 16 thanks. 17 (Ms. Ghee leaves room.) 18 BY MS. MORRIS: 19 Q. Is it your belief, or was it in 20 2007, that if you stopped paying attention 21 to Holmes that you would not have the 22 opportunity to improve your career? 23 MS. GURMANKIN: I'm sorry, to 24 what your career?	358
1 office. BY MS. MORRIS: Q. At the time of the incident, your relationship with Charles Buck had ended, is that correct? A. Yes. Q. Prior to this incident, had you ever spent time alone with Inspector Holmes? A. Yes. Q. When? A. One time he invited me to a bar on 2nd Street. I think he actually mentioned the name of it in one of his interviews. But I still don't remember the bar's name. Anyway, he asked me to go to that bar and we had a couple of drinks. Q. When was this? A. This was prior to the incident. So, anywhere the end of 2006 to the beginning of 2007. Q. Before or after he was calling you, um, and, and the sexual phone calls? A. I'm not sure about that. This could have happened before the sexual phone	357	1 BY MS. MORRIS: 2 Q. That you would not have the 3 opportunity to improve your career? 4 A. I believed that back then, yes. 5 Q. So you were looking to, to be his 6 aide, possibly? 7 A. Yes. 8 Q. Or to work in his office? 9 A. Yes. 10 (Ms. Ghee returns.) 11 MS. MORRIS: Thank you. BY MS. MORRIS: Q. When did you transfer to the 9th District? A. I believe it was September 2007. Q. So about at, at least seven months later? Is that correct? A. Yes. Q. Did Holmes call and congratulate you, or call you after you were transferred to the 9th? A. He called me before and let me know the transfer went through. Q. Okay. Did he ever leave you a	359

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41 (Pages 360 to 363)

	360		362
1 voice mail?		1 BY MS. MORRIS:	
2 A. That was the voice mail. He called		2 Q. Is this one of the articles you	
3 to tell me that the transfer went through to		3 came across?	
4 the 9th, in the 9th District.		4 A. No.	
5 Q. Okay. Did he say anything else?		5 Q. Have you ever seen this article?	
6 A. No.		6 A. No.	
7 Q. Did you read the newspaper stories		7 Q. Have you ever seen this article	
8 in two -- the newspaper story in 2012 about		8 before today?	
9 Hayburn's allegations against Holmes?		9 A. Nope.	
10 A. No. I first read about her		10 Q. Why don't you take a moment to read	
11 allegations in September 2014.		11 it, please.	
12 Q. How's that? How did you --		12 A. (Views document.)	
13 A. I'm sorry, was it 2014, or		13 (Discussion held off the	
14 twenty... yeah. It was, yeah, 2014.		14 record.)	
15 Q. September 2014?		15 THE WITNESS: I remember I	
16 A. Yes.		16 said I read something similar to this, but	
17 Q. How did you learn about it in 2014?		17 it wasn't this exact article.	
18 A. After I made my complaint, I had		18 MS. MORRIS: Okay.	
19 made -- I had been made aware from		19 THE WITNESS: Yeah.	
20 Lieutenant Saggese that there were other		20 BY MS. MORRIS:	
21 complaints. And I wanted to see what I		21 Q. Okay. There's a, on the second	
22 could find.		22 page, there's a para -- it's the third full	
23 Q. After you made which complaint?		23 paragraph. It says, "Holmes, meanwhile, was	
24 A. The Holmes complaint.		24 accused in 2008 of coercing a female cop,	
	361		363
1 Q. Your amended charge with the EEOC?		1 Christa Hayburn, into committing a sex act	
2 A. Yes.		2 and physically violating her after a	
3 Q. So what did you do? How did you		3 work-related party in 2006."	
4 find out about the complaint?		4 Were you aware of that information?	
5 A. I just Googled it.		5 Did you become aware of that information at	
6 Q. Did you come across the news		6 some point?	
7 article?		7 A. The only time I was aware about	
8 MS. GURMANKIN: Objection to		8 Christa was September 2014 after Saggese's	
9 form.		9 comment. But before Saggese I had heard	
10 BY MS. MORRIS:		10 that there was an allegation. I heard it in	
11 Q. Better question, what did you find		11 2009 that he forced a Spanish female to give	
12 when you Googled it?		12 him fellatio.	
13 A. This one article about Christa		13 Q. Where did you hear that?	
14 Hayburn. It didn't give a lot of		14 A. I think I actually heard it from my	
15 information. It just said that she alleged		15 dad, who was in East Detectives at the time.	
16 misconduct with Inspector Holmes.		16 Everybody had pretty much been buzzing about	
17 Q. Okay. I'm going to show you an		17 these allegations towards Holmes.	
18 article.		18 Q. Do you know who the Spanish female	
19 COURT REPORTER: 12.		19 is?	
20 MS. MORRIS: We'll mark it		20 A. No.	
21 V-12.		21 Q. What did your Google search reveal?	
22 (Exhibit V-12 was marked for		22 A. It just gave a brief description	
23 identification.)		23 that Christa had made a complaint against	
24 MS. MORRIS: Thanks, Cath.		24 Holmes for sexual misconduct, and, um, it	

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	364		366
1	said that she was fired. It was a small article.	1	transpired.
2	Q. I'm going to show you another document marked as V-13.	2	Q. What's it?
3	(Exhibit V-13 was marked for identification.)	3	A. The sexual assault incident.
4	BY MS. MORRIS:	4	Q. Do you think that the interview was
5	Q. Have you ever seen this article?	5	in response to your complaint?
6	A. I believe I have, yes.	6	A. Yes.
7	Q. When did you first see it?	7	Q. Besides Inspector Holmes, did
8	A. I think this is, uh, I seen this	8	Lieutenant Saggese ask you about any other
9	recently, like within the last six months.	9	incidences of alleged harassment or
10	Q. This didn't come up in your Google	10	discrimination?
11	search?	11	A. He asked me about Officer Davis's
12	A. No.	12	exposure.
13	Q. When did you first talk to Christa	13	Q. And what did you tell him?
14	Hayburn about -- well, when did you first	14	A. I told him that Officer Davis
15	talk to Christa Hayburn?	15	exposed me while we were on duty in the same
16	A. Yesterday.	16	police car.
17	Q. Have you ever visited her -- have	17	Q. When was this?
18	you ever Googled Christa Hayburn?	18	A. I believe it was, from what I can
19	A. I would say within the last six	19	recall today, 2009.
20	months, yes.	20	Q. Is this the first time you reported
21	Q. Have, have you visited her blog?	21	to police internal affairs, that meeting?
22		22	A. Whenever they received the amended
23		23	charge is when they were notified, per
24		24	email.
	365		367
1	A. Yes.	1	Q. What amended charge are you
2	Q. During your Google search, did you	2	referring to?
3	print out any documents from your Google	3	A. The first amended charge.
4	search?	4	Q. The EEOC amended charge?
5	A. No.	5	A. Yes. That was emailed to Sergeant
6	Q. Did you do your Google search	6	Linneman at the time.
7	before or after you hired counsel?	7	Q. How did your -- did you send your
8	A. It's hard to say. Because I hired	8	amended EEOC charge to police internal
9	counsel September or October of 2014, and I	9	affairs?
10	also seen the article first of Christa in	10	A. Yes. Because I had sent it to
11	September 2014, so it was hard to say if it	11	Sergeant Linneman.
12	was before or after.	12	Q. Okay. When did you do that?
13	Q. You met with Lieutenant Saggese of	13	A. I'm not sure of the date.
14	internal affairs, correct?	14	Q. Right after you filed it?
15	A. That's correct.	15	A. Oh, yeah.
16	Q. Was it September 12th, 2014?	16	Q. Okay. So that would have been in
17	A. Yes.	17	2014, correct?
18	Q. Did you have counsel present at	18	A. Yes.
19	that time?	19	Q. And you were reporting an incident
20	A. Yes.	20	that occurred in 2009 for the first time in
21	Q. What was your understanding of the	21	2014?
22	purpose of the investigation?	22	A. Yes.
23	A. I believe the purpose was to find	23	Q. What else did you report? What
24	out from their end if it actually	24	else did you discuss with Lieutenant

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1 Saggesse?	368	1 supervisor was Lieutenant Masacoy (ph.). So 2 once I tell Sergeant Kearney, Kearney 3 then tells Lieutenant Masacoy.	370
2 A. He, um, just directed the interview 3 to focus on Inspector Holmes and the Officer 4 Davis incident, and that's what we talked 5 about.		4 Q. Okay. And at that time you were 5 assigned to Southwest, is that correct?	
6 MS. MORRIS: 13?		6 A. Detailed, yes.	
7 COURT REPORTER: 14.		7 Q. Detailed. What's the difference 8 between a detail and a transfer?	
8 (Exhibit V-14 was marked for 9 identification.)		9 A. Detail is where you're temporarily 10 placed, and you're not permanently 11 transferred, meaning you can't check your 12 time balances, sick, vacation, holiday. You 13 cannot check your overtime.	
10 BY MS. MORRIS:		14 Q. What do you mean by that? You have 15 no way of checking whether or not you have 16 overtime?	
11 Q. Did Lieutenant Saggesse interview 12 you on September 12, 2014?		17 A. I'm sorry, strike that. Two times 18 I checked my overtime and it wasn't there, 19 because they forgot to put me in there 20 because they have to physically type my name 21 in every time, because I wasn't in the 22 Southwest computer database.	
13 A. Yes.		23 Training material that I had to 24 sign for, I had to sign for South. A few	
14 Q. And this was up at internal 15 affairs?			
16 A. Yes.			
17 Q. And Ms. Gurman was present?			
18 A. Who? I'm sorry.			
19 Q. Your attorney who is sitting next 20 to you?			
21 A. Yes. I didn't hear you say her 22 last name.			
23 Q. I understand. Okay. 24 (Discussion held off the			
369	371		
1 record.)		1 times they sent up the captain's aide, 2 Officer Terry, Terry Ciccone, I forgot her 3 last name. But they made me sign all these 4 training paperwork.	
2 BY MS. MORRIS:		5 Q. But you got the training materials, 6 right?	
3 Q. You became pregnant in, um, 4 sometime, well, in -- on February 27, 2015, 5 you advised the city that you were pregnant; 6 correct?		7 A. With court, if I had to check if I 8 had court, I had to go through five 9 different sequences in the computer. It's 10 just everyday inconveniences, because I 11 wasn't permanently transferred. I was just 12 considered a temporary detail.	
7 A. I don't know the exact date. Yeah, 8 it would have been -- that sounds about 9 right.		13 Q. Okay. But you didn't want to be at 14 Southwest, did you?	
10 Q. Okay. Who did you tell in the 11 police department that you were pregnant?		15 A. My mentality of Southwest was of, 16 you know, if you went to Southwest, you 17 really screwed up, they punished you. No, I 18 did not. I wanted to stay at South, where I 19 was assigned to, and I wanted those other 20 male detectives addressed appropriately. 21 That's all I asked for. I didn't ask for 22 any of the, any of the retaliation that I 23 received. I didn't ask to be treated this 24 way. I've, I've been nothing but respectful	
12 A. I believe it was Sergeant Kearney 13 at the time.			
14 Q. And where were you assigned at that 15 time?			
16 A. Southwest.			
17 Q. And was Sergeant Kearney your 18 direct supervisor?			
19 A. No.			
20 Q. Why did you tell Sergeant Kearney?			
21 A. Because I believe that my direct 22 supervisor wasn't working. I don't 23 remember, or, I told him the same time. 24 Either way, he would know, because my direct			

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44 (Pages 372 to 375)

1 and a good officer and detective for 12 2 years, and I was treated like, like nothing. 3 Q. Okay. 4 A. Like almost a criminal. 5 Q. You've answered the question. 6 Inconveniences that you've 7 experienced at Southwest, did it ever cause 8 you to miss court because it was 9 inconvenient to get your court notices? 10 A. No. Because I'm OCD about checking 11 into what I'm responsible for and what I 12 have to show up for, and, also, I need my 13 overtime money. 14 Q. Okay. So you were able to check to 15 see if you -- your overtime had been 16 correctly entered? 17 A. Yes. But it was always, uh -- 18 Q. Okay. 19 A. -- very annoying. 20 Q. And you always got your trading 21 materials? 22 A. Yes. 23 Q. And what was your work schedule at 24 Southwest?	372	1 assigned to Southwest? 2 A. 8:00 a.m. to 4:00 p.m. for two 3 weeks, 4:00 p.m. to 12:00 a.m. for two 4 weeks, back to 8:00 a.m. to 4:00 p.m. You 5 get the pattern. 6 Q. Okay. Did you, when you were 7 detailed in Southwest, did you have any, um, 8 change in your job title? 9 A. No. 10 Q. Change in your job 11 responsibilities? 12 A. Um, no. 13 Q. Change in your opportunity for 14 overtime? 15 A. There wasn't really a change there 16 with the overtime. I mean Southwest is, 17 is -- has so many more cases that come in, 18 whereas South at nighttime you're making 19 more with court notices. 20 Q. Was there a change in your 21 opportunity for overtime? 22 A. No. 23 Q. Did your rate of pay change? 24 A. No.	374
1 A. They could not put me on the last 2 out shift because everybody wanted that 3 shift because the division is so far away 4 that nobody wants to sit on 95 for two hours 5 a day like they do. 6 Q. What is your work shift? 7 A. I am in, currently I am 2C, day 8 work for two weeks, night work for two 9 weeks, shift work. I work tonight and I 10 work tomorrow. 11 Q. Okay. When you -- 12 A. Thanksgiving. 13 Q. When you were pregnant in 14 Southwest, what was your work schedule? 15 A. I was in 2B. 16 Q. What does that mean? 17 A. So it's the same thing except the 18 group day changes means different days off. 19 So if I had planned anything as far as this 20 year going on B group, say, I could forget 21 about it because I'm in C group now. 22 Q. I'm talking about when you were 23 pregnant, at Southwest. What were the, what 24 were the hours that you worked when you were	373	1 Q. Were you in any way ineligible to 2 receive a raise? 3 A. I think you -- I believe you get 4 slight increments for so many years, but I'm 5 not sure about that whole thing. I would 6 receive increase in pay with the contract. 7 Q. So were you, when you were at 8 Southwest, did you miss out on any pay 9 raises? 10 A. No. 11 Q. Did you attempt to submit any 12 promotional exams when you were at 13 Southwest? 14 A. No. 15 Q. Were you prevented from sitting for 16 promotional exams? 17 A. No. 18 Q. When you told the department that 19 you were pregnant, didn't they put you on 20 restricted duty? 21 A. Yes. 22 Q. You had an interview with 23 Lieutenant Linneman in March of two thousand 24 four -- '15, correct?	375

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1	had with me.	1	you about damages. While you were working
2	BY MS. MORRIS:	2	for the police department were you ever
3	Q. Did you provide the information	3	demoted?
4	that's recorded there?	4	A. No.
5	A. I did provide this information to	5	Q. Did you ever lose pay?
6	Sergeant Eberhart.	6	A. Other than what I've alleged, no.
7	Q. Okay. Do you recognize that	7	Q. What do you mean? Loss of pay
8	document?	8	other than taking leaves of absences?
9	MS. MORRIS: Sorry, Cathy.	9	A. Well, not speaking to that. I'm
10	MS. GURMANKIN: Has this been	10	speaking about the unfair wheel assignments
11	produced?	11	and the loss of overtime.
12	THE WITNESS: No.	12	Q. Okay. Can you document how much
13	MS. MORRIS: Just got it. We	13	you would have lost?
14	produced it right now.	14	A. I haven't documented that at this
15	MS. GURMANKIN: Why wasn't it	15	time.
16	produced earlier?	16	Q. Please do. Other than missing work
17	MS. MORRIS: Just interviewed	17	for maternity leave, have you had to take
18	Eberhart. We just got it.	18	any time off from work?
19	(Exhibit V-17 was marked for	19	A. I've taken personal leave due to
20	identification.)	20	these matters.
21	BY MS. MORRIS:	21	Q. When was that?
22	Q. Do you recognize this document?	22	A. Of this year.
23	A. I do.	23	Q. When?
24	Q. What is it?	24	A. After my family medical leave, I
	381		383
1	A. It's what I wanted inserted into	1	believe. No, it would have been after my
2	the interview.	2	maternity leave.
3	Q. Who wrote it?	3	Q. So your -- you've just returned to
4	A. Caren.	4	work, you're not just returning from
5	Q. Your attorney?	5	maternity leave?
6	A. Yeah.	6	A. Actually, then I had to take a
7	Q. When?	7	medical leave, because of these matters.
8	A. When she was sitting right next to	8	Q. What was the medical condition?
9	me and I told her what I wanted it to say.	9	A. My depression got so out of control
10	Q. Why didn't you tell Sergeant	10	that I finally sought help for it in
11	Eberhart what you wanted to say?	11	February. And, yeah, I mean I've just been
12	A. She was out of the room at the	12	working on myself.
13	time.	13	Q. Okay. What kind of help did you
14	Q. Are these are words or your	14	receive in February?
15	attorney's words?	15	A. I reached out to my medical doctor
16	A. Those are my words, in an	16	and he prescribed me an antidepressant, and
17	attorney's brain to where it sounds better	17	also a anti-anxiety pill.
18	than my own words.	18	Q. Who's your doctor?
19	Q. Why didn't you write it yourself?	19	A. Dr. Greg DeRusso.
20	A. She was already documenting the	20	Q. Did you ever seek therapy for your
21	interview. She already had the pen in hand,	21	depression?
22	and I was saying to her this is what I want	22	A. Yes.
23	to say. She was just writing.	23	Q. When?
24	Q. Okay. Quickly, I want to talk to	24	A. I spoke to my medical doctor in

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<p>1 reference to my stress, and he referred me 2 to a psychiatrist. And that guy's name is 3 Dr. Bruce Lief.</p> <p>4 Q. Okay. Did you get counseling? 5 A. Yes. 6 Q. From whom? 7 A. Dr. Lief. 8 Q. How many times? 9 A. Once. 10 Q. When was that? 11 A. I believe it was last month. I 12 don't remember the date. 13 Q. Okay. When were you first 14 diagnosed with the depression? 15 A. I don't remember the year, but I've 16 told my doctor before that I was dealing 17 with depression, and he told me to let him 18 know when I was ready to go on medication, 19 because I never believed in that sort of 20 thing before until I hit rock bottom. 21 Q. When did you first go on 22 medication? 23 A. February of 2016. 24 Q. Did you visit Dr. DeRusso in</p>	<p>1 was afraid of causing more pain to my 2 family, retaliation to my brother and father 3 who were on the job, retaliation to my 4 husband, who in 2008 was on the job. 5 Q. Okay. You visited a physician, Dr. 6 DeRusso, again in August of 2016? Is that 7 correct? 8 A. Okay. Yeah. 9 Q. Did you tell Dr. DeRusso at that 10 point about Inspector Holmes? 11 A. No. I, I, to save you some time, I 12 never told Dr. DeRusso about Inspector 13 Holmes. 14 Q. You visited a physician in October 15 of 2016. Who was that? 16 A. That right there -- 17 Q. Is that Dr. Lief? 18 A. That's Dr. Lief. 19 Q. Did you tell Dr. Lief about 20 Inspector Holmes? 21 A. Yes. It was part of my therapy 22 session. 23 Q. Okay. So you had one therapy 24 session with Dr. Lief. Any other counseling</p>
385	387
<p>1 December of 2008? 2 A. Yes. 3 Q. Did he diagnose you with depression 4 at that time? 5 A. I don't know if that was his first 6 diagnosis or if he diagnosed me, but I do 7 remember speaking -- speaking to him about 8 my depression prior to 2014. 9 Q. Okay. Did you tell Dr. DeRusso in 10 2008 about the incident with Inspector 11 Holmes? 12 A. No. 13 Q. Why not? 14 A. He's a male doctor. It's just way 15 too uncomfortable. There's no way I would 16 have said that. It's uncomfortable just to 17 be in a doctor's office alone, and then to 18 talk about something that I had buried so 19 deep so it wouldn't continue to cause me 20 pain, no. 21 Q. Why didn't you seek a female 22 physician's help? 23 A. I didn't want to seek help. I just 24 wanted to bury it and be done with it. I</p>	<p>1 or therapy sessions at all? 2 A. I had counseling in either 2010 or 3 2011 at the CORA Services building. I spoke 4 with a counselor, her first name was Stacy. 5 I forget her last name. 6 Q. We'll need, we'll need those 7 records. 8 Have you ever treated with 9 postpartum depression? 10 A. I don't have those records. 11 MS. GURMANKIN: It's okay. 12 THE WITNESS: Okay. They 13 said that I had it this time around, and 14 they prescribed me Xanax. But I feel like 15 it didn't work, and I also was afraid to 16 continue taking it because I was 17 breast-feeding my daughter and I wasn't very 18 comfortable with having that type of 19 medicine in my system with her 20 breast-feeding. That's why I waited until 21 February. 22 MS. GURMANKIN: Nicole, I'm 23 trying to work with you here. I need to 24 know how much longer. We're way over now.</p>

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Michele Vandegrift

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1	MS. MORRIS: How, how --	1	please. No cross, right?
2	what's way over?	2	MS. GURMANKIN: Correct.
3	MS. GURMANKIN: Where are we,	3	THE VIDEOGRAPHER: Okay.
4	40, 45 minutes over seven hours. If you	4	Hold on, please. This deposition is now
5	tell me you have a couple more questions --	5	concluded at 1:07 p.m. Everybody hold on,
6	MS. MORRIS: Yeah.	6	please. Hold on, hold on. Okay, we're
7	MS. GURMANKIN: -- you'll be	7	clear, thank you.
8	done in five minutes, that's fine. But if	8	---
9	you tell me you need another half-hour,	9	
10	then --	10	
11	MS. MORRIS: I don't have	11	
12	another half-hour, just a few more	12	
13	questions.	13	
14	BY MS. MORRIS:	14	
15	Q. What medications are you currently	15	
16	on?	16	
17	A. Viibryd, it's an antidepressant,	17	
18	and Ativan, it's a anti-anxiety.	18	
19	Q. How long have you been on Ativan?	19	
20	A. The same thing, February 2016.	20	
21	Q. You were never on it before then?	21	
22	A. No.	22	
23	Q. How long have you been on Viibryd?	23	
24	A. February 2016.	24	
	389		391
1	Q. Last questions. While working at	1	C E R T I F I C A T E
2	the police department, did you ever	2	
3	experience threats of physical violence from	3	
4	your coworkers?	4	I, CATHERINE T. McLAUGHLIN, Certified
5	A. Besides the Inspector Holmes	5	Court Reporter and Notary Public, certify
6	incident?	6	that the foregoing is a true and accurate
7	Q. Yes. That's a good question.	7	transcript of the testimony as taken
8	Besides that?	8	stenographically by and before me at the
9	A. At this time, I don't recall.	9	time, place and on the date herein before
10	Q. I'm just going to explore that	10	set forth.
11	question, then I'm done.	11	I DO FURTHER CERTIFY that I am neither
12	The incident with Inspector Holmes,	12	a relative nor employee nor attorney nor
13	did you believe that you could not leave the	13	counsel of any of the parties to this
14	situation or he would hurt you?	14	action, and that I am neither a relative nor
15	A. I don't know what I believed, but I	15	employee of such attorney or counsel, and
16	got out of there as quickly as possible.	16	that I am not financially interested in the
17	Q. Did you think he was going to hurt	17	action.
18	you?	18	
19	A. He did hurt me.	19	Catherine T. McLaughlin,
20	Q. Did you tell him no?	20	
21	A. No.	21	Certified Court Reporter
22	MS. MORRIS: Okay. Thank you	22	and Notary Public
23	very much.	23	
24	THE VIDEOGRAPHER: Hold on,	24	

In The Matter Of:
MICHELE VANDEGRIFT v.
THE CITY OF PHILADELPHIA

LIEUTENANT RAYMOND A. SAGGESE
November 4, 2016

Terry Burke Reporting
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Min-U-Script® with Word Index

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<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA 3 - - - 4 MICHELE VANDEGRIFT, : 5 Plaintiff, : 6 v. : Civil Action 7 THE CITY OF PHILADELPHIA : No. 16-2999 8 Defendant. : 9 - - - 10 Philadelphia, Pennsylvania 11 Friday, November 4, 2016 12 - - - 13 Videotape Deposition of LIEUTENANT 14 RAYMOND A. SAGGESE, taken pursuant to notice, at 15 the Console Law Offices, LLC, 1525 Locust 16 Street, Philadelphia, Pennsylvania, beginning at 17 10:08 a.m., on Friday, November 4, 2016, before 18 Terry Barbano Burke, RMR-CRR.</p> <p>19</p> <p>20</p> <p>21</p> <p>22 TERRY BURKE REPORTING 23 (215) 205-9079 24 terryburkermr@gmail.com</p>	<p>1 1525 Locust Street, Philadelphia, Pennsylvania, 2 in the matter of Vandegrift versus the City of 3 Philadelphia. The deponent is Raymond Saggese. 4 Will all counsel please identify 5 themselves.</p> <p>6 MS. GURMANKIN: Caren Gurmankin of 7 Console Law Offices for the plaintiff.</p> <p>8 MS. GHEE: Kia Ghee, City of 9 Philadelphia Law Department.</p> <p>10 MS. KNIGHT: Melissa Knight, City of 11 Philadelphia Law Department.</p> <p>12 VIDEO SPECIALIST: The court 13 reporter is Terry Burke and will now swear in 14 the witness.</p> <p>15 LIEUTENANT RAYMOND A. SAGGESE, 16 having been duly sworn, was examined and 17 testified as follows:</p> <p>18 BY MS. GURMANKIN:</p> <p>19 Q. Lieutenant Saggese, good morning.</p> <p>20 A. Good morning. How are you?</p> <p>21 Q. Good. How are you?</p> <p>22 A. Good.</p> <p>23 Q. Have you ever had your deposition taken 24 before today?</p>	
	Page 2	Page 4
<p>1 APPEARANCES: 2 CAREN N. GURMANKIN, ESQUIRE 3 EMILY R. DERSTINE FRIESSEN, Esquire 4 Console Law Offices, LLC 5 1525 Locust Street, Ninth Floor 6 Philadelphia Pennsylvania 19102 7 Counsel for the Plaintiff 8 KIA GHEE, ESQUIRE 9 CITY OF PHILADELPHIA - ASSISTANT CITY 10 SOLICITOR 11 MELISSA T. KNIGHT, ESQUIRE 12 CITY OF PHILADELPHIA - ASSISTANT CITY 13 SOLICITOR 14 Law Department 15 One Parkway 16 1515 Arch Street, 16th Floor 17 Philadelphia, Pennsylvania 19102-1595 18 Counsel for the Defendant 19 ALSO PRESENT: 20 MICHELE VANDEGRIFT 21 JOE WILLIS, Video Specialist 22 - - - 23</p> <p>17 VIDEO SPECIALIST: We are now on the 18 record. My name is Joseph Wills, the 19 videographer retained by Summit Court Reporting. 20 This is a video deposition for the United States 21 District Court for the Eastern District of 22 Pennsylvania. Today's date is November 4th, 23 2016, and the video time is 10:08 a.m. 24 This deposition is being held at</p>	<p>1 A. Yes.</p> <p>2 Q. Okay. I'm sure you're familiar with the 3 rules, but I'll go through them with you --</p> <p>4 A. Okay.</p> <p>5 Q. -- so that you and I are on the same 6 page. I am going to ask you a series of 7 questions today. If I ask you a question and I 8 you don't understand it, just let me know and I 9 will be happy to rephrase it. If I ask you a 10 question and you answer it, I'm going to assume 11 that you've understood the question and you've 12 answered it accordingly.</p> <p>13 Okay?</p> <p>14 A. Okay.</p> <p>15 Q. As you have been doing, we just need you 16 to keep giving verbal responses so our court 17 reporter can get everything down.</p> <p>18 Okay?</p> <p>19 A. Okay.</p> <p>20 Q. Even though this deposition is being 21 conducted in a conference room at my law office, 22 it has the same force and effect as if it were 23 being taken in a federal courtroom in front of a 24 federal judge. You've just taken an oath to</p>	

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<p>1 tell the truth. And as a police officer, I'm 2 sure you're aware that if you don't tell the 3 truth, that includes saying you don't know when 4 you do know, that's considered perjury, which is 5 a felony; correct?</p> <p>6 A. I understand that.</p> <p>7 Q. Okay. Is there any reason why you 8 wouldn't be able to testify truthfully today?</p> <p>9 A. No, there's no reason at all.</p> <p>10 Q. Okay. If you want to take a break at 11 any time, just let me know, and we can 12 absolutely do that. If there's a question 13 that's pending, we just need the question 14 answered before we take a break.</p> <p>15 Okay?</p> <p>16 A. Okay.</p> <p>17 Q. What's your date of birth?</p> <p>18 A. [REDACTED]</p> <p>19 Q. And you testified that you have been 20 deposed before; correct?</p> <p>21 A. Yes.</p> <p>22 Q. Do you remember about how many times?</p> <p>23 A. Well, I have been in federal court 24 several times.</p>		<p>1 A. Yes.</p> <p>2 Q. How long were you an officer, a police 3 officer? Approximately is fine.</p> <p>4 A. Until 1994.</p> <p>5 Q. Okay.</p> <p>6 And then what happened?</p> <p>7 A. I transferred to juvenile aid, where I 8 became a juvenile aid investigator, 9 investigating crimes committed by juveniles.</p> <p>10 Q. What was your rank at that time, did 11 that change?</p> <p>12 A. Still a police officer.</p> <p>13 Q. Okay.</p> <p>14 A. But my assignment was an investigator.</p> <p>15 Q. How long were you in juvenile aid?</p> <p>16 A. Approximately two years.</p> <p>17 Q. And then what happened?</p> <p>18 A. I transferred to special victims. It 19 was called sex crimes back then.</p> <p>20 Q. Okay.</p> <p>21 How long were you in special 22 victims?</p> <p>23 A. About three-and-a-half years.</p> <p>24 Q. Did you still hold the rank of police</p>	
	Page 6		Page 8
<p>1 I really don't put a number on it, 2 but for the last 16 years as a lieutenant within 3 internal affairs, we do a lot of depositions, a 4 lot of arbitrations.</p> <p>5 Q. More than ten?</p> <p>6 A. Yeah, a lot more than ten. Ten, 7 probably 50 at least over the course of the last 8 20 years, at least.</p> <p>9 Q. Okay. Were any of those depositions in 10 which you've testified, were you a witness in 11 all of them or were you a party to?</p> <p>12 A. A witness.</p> <p>13 Q. A witness, okay.</p> <p>14 A. Uh-huh.</p> <p>15 Q. Were they all in your capacity as an IAD 16 investigator?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 And you said some were in federal 20 court, some were in arbitration?</p> <p>21 A. Yes.</p> <p>22 Q. When did you start with the department?</p> <p>23 A. I started July 28th, 1986.</p> <p>24 Q. You started as a police officer?</p>		<p>1 officer during those three years?</p> <p>2 A. During that time, I had gotten promoted 3 to detective and stayed at my assignment at sex 4 crimes.</p> <p>5 Q. Okay. And then what happened after 6 about three-and-a-half years in sex crimes?</p> <p>7 A. I was promoted to sergeant, assigned to 8 the 39th district back in uniform.</p> <p>9 Q. Okay. For about how long?</p> <p>10 A. It was less than two years, I think.</p> <p>11 Q. And then what happened?</p> <p>12 A. I transferred to internal affairs.</p> <p>13 Q. Okay.</p> <p>14 You have been in internal affairs 15 since then?</p> <p>16 A. Yes.</p> <p>17 Q. And since then, you were promoted to 18 lieutenant?</p> <p>19 A. Yes.</p> <p>20 Q. Was there a promotion between sergeant 21 and lieutenant?</p> <p>22 A. No.</p> <p>23 Q. Okay.</p> <p>24 All right, so how long all together</p>	

<p>1 have you been an IAD investigator? 2 A. About 16 years. 3 Q. Okay. 4 Do you have a particular focus as an 5 IAD investigator? 6 A. No, no. There's no -- whatever job 7 comes in. It could be anything from a verbal 8 complaint, to a lack of service, to a theft. 9 Unfortunately, sexually related crimes. 10 Robbery. Anything. There's no specialty there. 11 Q. Okay. Chief Inspector Flacco testified 12 that you're probably the best person in IAD to 13 handle sex crimes because of your experience. 14 Are you the person, to your 15 knowledge, that gets assigned to investigate 16 complaints of sexual assault or sexual 17 misconduct? 18 A. No, not all the time. There for a time 19 there wasn't anybody else in the building with a 20 whole lot of experience investigating sex 21 crimes, and they would confer with me on a lot 22 of their investigations. But since then, I 23 guess the last several years, we've gotten a few 24 more people who have sex-crime related</p>	<p>Page 9</p> <p>1 investigating those claims? 2 A. My purpose? My purpose was to, I guess, 3 find out whether a crime had been committed 4 against Detective Vandegrift. Whether that 5 crime was committed by police officers assigned 6 to the Philadelphia Police Department. In 7 addition to attempting to file criminal charges 8 against either officer, who was accused by 9 Detective Vandegrift. I also look for 10 departmental violations in the course of conduct 11 by those officers that she alleged committed 12 crimes against her. 13 Q. Would those be EEO violations? 14 A. No. They would be departmental 15 violations, such as, as an example, if an on 16 duty police officer had sexual relations, 17 whether it's consensual or non-consensual, it's 18 still a violation of departmental policy of 19 someone having sex while on duty. So in 20 addition to a criminal act, if it was against 21 their will or coerced. If it was consensual, 22 it's still a departmental violation, at the very 23 least. 24 Q. So your purpose was to determine whether</p>
<p>1 investigative experience. And, you know, it's 2 not always me any more. 3 Q. Sure. 4 Have you also been assigned to 5 handle alleged violations of EEO policy? 6 A. There for a time, they assigned us to 7 investigate EEO's. Probably only six months' 8 worth. And I don't remember when that was. I 9 think it's when we lost our EEO person. It was 10 Fran Neely. She was a lieutenant there for 11 years. Strictly EEO. 12 And when she retired, they began to 13 assign them to various investigators, but I've 14 only had maybe two or three of them, I think. 15 Q. Other than that approximate six-month 16 period, you haven't really investigated EEO 17 violations or alleged EEO violations? 18 A. Not really, no. 19 Q. Okay. Now, you investigated Detective 20 Vandegrift's complaints that she was sexually 21 assaulted by Carl Holmes and that Police Officer 22 Joe Davis exposed himself to her; correct? 23 A. Yes. 24 Q. And what was your purpose in</p>	<p>Page 10</p> <p>1 Carl Holmes assaulted Detective Vandegrift; 2 correct? 3 A. Yes. 4 Q. And whether Officer Joe Davis exposed 5 himself to Detective Vandegrift? 6 A. Yes. 7 Q. Okay. And you understood once you 8 started investigating that there were no 9 witnesses to these events; correct? 10 A. Well, during the course of interview, 11 Detective Vandegrift provided, you know, a 12 couple of names that were possible witnesses, 13 but unfortunately after interviewing them they 14 turned out not to be witnesses. 15 Q. Okay. Well, she didn't give you names 16 of people that she was saying actually saw 17 Inspector Holmes assault her; right? 18 A. Correct. They weren't evidentiary 19 witnesses. 20 Q. Okay. 21 A. They were more of like a prompt 22 complaint type of thing. Well, in one case, the 23 detective didn't actually see her coming out of 24 Chief Holmes' office that day, but he would have</p>

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<p>1 been some type of witness at least to put her in 2 that place --</p> <p>3 Q. Right.</p> <p>4 A. -- at that particular time, along with 5 Holmes.</p> <p>6 Q. Right.</p> <p>7 A. And he turned out to be, you know, not a 8 good source either.</p> <p>9 Q. And that was Detective Newbert?</p> <p>10 A. Yes.</p> <p>11 Q. And you understood that there were no 12 witnesses to her complaint that Officer Davis 13 exposed himself to her?</p> <p>14 A. Correct.</p> <p>15 Q. Now, Chief Inspector Flacco testified 16 that it is part of the investigator's job, the 17 internal affairs investigator's job, to assess 18 credibility in the course of the interviews that 19 you are conducting as part of your 20 investigation.</p> <p>21 Do you agree with that?</p> <p>22 A. Well, it's certainly my assessment of 23 credibility. It wouldn't rely solely on my 24 opinion. It would rely on, you know, what the</p>	<p>1 Q. Well, part of your job as a police 2 officer is to assess credibility, right, you are 3 assessing credibility of complainants, 4 witnesses, accused, correct?</p> <p>5 A. I would say that I investigate 6 allegations presented to me. And if the 7 investigation of those allegations leads me down 8 the road where I believe a complainant is less 9 credible, then I will hang my hat on the 10 evidence or information that I received during 11 that investigation to lead me to believe that 12 the complainant is less credible.</p> <p>13 Q. And as a member of the police 14 department, one of the things that you have been 15 trained on is how to assess credibility during 16 the course of investigating complaints; correct?</p> <p>17 A. You can keep up with the credibility 18 answers -- questions, but I'm going to tell you 19 that it is not, it is not my job to have an 20 opinion on someone's credibility. It is my job 21 to corroborate the information they supply to me 22 or not corroborate it.</p> <p>23 Q. All right. Well, one of the ways that 24 you corroborate what someone -- or one of the</p>
Page 14	Page 16
<p>1 complainant would say and can I corroborate it 2 or not.</p> <p>3 Q. Uh-huh.</p> <p>4 A. And not that that leads to somebody 5 being credible or not, such as in this case. 6 The ultimate findings of my case was not 7 sustained. I couldn't corroborate it or not 8 corroborate it. Unfortunately, that's what 9 happened. There were no witnesses. I'm not 10 saying that she was untruthful or not credible. 11 It is just her allegations I couldn't prove or 12 disprove.</p> <p>13 Q. Right. So part of your job as an 14 investigator was to assess credibility; correct?</p> <p>15 A. If you want to call it that, yeah.</p> <p>16 Q. What would you call it?</p> <p>17 A. Well, I just said, I guess you can say 18 that I assess credibility by finding 19 corroborative information based on what the 20 complainant tells me. It is certainly not my 21 opinion ever to assess credibility of someone, 22 unless I have other evidence or facts that would 23 dictate to me or indicate to me that they were 24 being either less credible than they should be.</p>	<p>1 ways that you corroborate a complaint is to 2 assess the credibility of the person making the 3 complaint; right?</p> <p>4 MS. KNIGHT: I'm going to object to 5 asked and answered. I mean he has's already 6 answered the question. You keep going back to 7 credibility, but he's answered the question.</p> <p>8 BY MS. GURMANKIN:</p> <p>9 Q. You can answer.</p> <p>10 MS. KNIGHT: You can answer.</p> <p>11 THE WITNESS: Could you repeat it?</p> <p>12 BY MS. GURMANKIN:</p> <p>13 Q. Sure. One of the ways that you 14 corroborate whether someone is telling the truth 15 about a complaint they have made is to assess 16 their credibility. Is that fair?</p> <p>17 A. I would say that no, that's not fair. 18 And it's rather leading and suggestive, and I 19 continue to maintain that.</p> <p>20 In this case, Detective Vandegrift 21 made several allegations of criminal acts that 22 she was the victim of. It's not my job to say I 23 don't believe her or I do believe her. It is my 24 job to corroborate those allegations either</p>

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<p>1 through factual witnesses, prompt complaint 2 witnesses, evidence, such as in this case she 3 provided me her phone, to somehow corroborate 4 her allegations and that would prove her 5 credibility or not.</p> <p>6 Q. All right. So are you saying that when 7 you investigate complaints in your capacity as 8 an IAD investigator, that when you're 9 interviewing people, you are not making any 10 assessment as to whether or not they're telling 11 the truth?</p> <p>12 A. I stay pretty fair, and I'm on the fence 13 about anybody. Whether they come in and they 14 are a victim of a crime or they are, you know, a 15 witness. That their credibility is an issue if 16 they say something that later on I find through 17 either another person or another source of 18 evidence that they were less than credible when 19 speaking to me. I don't make the decision 20 whether they're credible or not when I'm 21 speaking with them.</p> <p>22 Q. Well, I'm not asking you if you make the 23 decision. But, you know, when you're 24 investigating complaints as a police officer, or</p>	<p>1 credibility or lack of.</p> <p>2 Q. And I'm not suggesting that you form an 3 opinion based solely on body language, but is 4 that one of the things that you assess when 5 you're interviewing people as part of your 6 investigation, what the body language is of the 7 person you're interviewing?</p> <p>8 A. I wouldn't say it's an assessment. It's 9 more of an observation.</p> <p>10 Q. Okay.</p> <p>11 And do you observe whether the 12 person's making eye contact with you when you're 13 interviewing them?</p> <p>14 A. Again, that's another interview 15 technique that we're trained to, you know, make 16 an observation of. But again, it's not a 17 significant assessment of somebody's 18 credibility.</p> <p>19 Q. Do you assess any tics that the person 20 is demonstrating, whether they are biting their 21 nails or twirling their hair or rubbing their 22 hands together?</p> <p>23 A. I mean yeah, at times, sure.</p> <p>24 Q. And do all of those observations, body</p>
Page 18	Page 20
<p>1 as an IAD investigator, do you assess, for 2 example, the body language of the complainant 3 when you're interviewing them?</p> <p>4 A. Body language is an interview, I guess a 5 technique that we do look at. I mean --</p> <p>6 Q. That's one of the things you have been 7 trained to look at as a police officer when 8 you're investigating complaints; correct?</p> <p>9 A. We've had classes on body language 10 during interviews, and body language during 11 certain interviews can be very deceptive at 12 times, such as -- I'll give you an example. Say 13 a very -- such as Detective Vandegrift's 14 interview that she was sexually assaulted. Some 15 people may have a nervous smirk about them while 16 saying it. It's just a sign of nervousness. It 17 doesn't mean that they are lying or they are 18 more credible or not. It is just simply how 19 they react to it.</p> <p>20 Q. All right.</p> <p>21 A. And really there's no -- I don't believe 22 there's any set definition of any particular 23 body language that's exhibited during an 24 interview that would suggest somebody's</p>	<p>1 language, tics, whether or not the person's 2 making eye contact, do they go into your 3 assessment of whether or not the person's 4 telling the truth?</p> <p>5 A. I'm going to have to say no, and I'm 6 going to have to say that my reason for that is 7 what I have continued to say here, that my 8 belief or non-belief is based solely on what I 9 can corroborate. And at some times I just can't 10 corroborate it, and that's just a simple fact of 11 life.</p> <p>12 Q. All right. So what do you do to try to 13 corroborate a complaint that someone's making?</p> <p>14 A. If someone says -- are you going to ask 15 me a hypothetical? I mean basically I try and 16 corroborate what they tell me. If they tell me 17 an incident happened at a certain time and 18 place, if they received phone calls during that 19 time and place, those are the things that you 20 look to corroborate.</p> <p>21 In Detective Vandegrift's complaint, 22 she had alleged that Chief Inspector Holmes had 23 called her numerous times and made sexually 24 suggestive, you know, suggestions to her. It</p>

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<p>1 sounds redundant. But one of the things to try 2 to corroborate that and the only thing to do is 3 to find a history or a record of phone calls. 4 I'm not saying they didn't happen. I'm not 5 saying they did happen. I'm saying that as a 6 result of my investigation, I could not find a 7 written record that would confirm that those 8 phone calls took place.</p> <p>9 Q. All right, so when you, in your role as 10 IAD investigator, are looking to see whether you 11 can corroborate a complaint, you're looking to 12 see whether there are witnesses; correct?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. You're looking to see whether 15 there's documentary evidence; correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Anything else that you're looking 18 at as an investigator?</p> <p>19 A. Well, audio video recordings is a big 20 topic nowadays. We're pretty focused on finding 21 audio video surveillance, footage of just about 22 anything that occurs. Even down to an officer 23 writing a ticket these days we're out looking 24 for a video on, if there's a complaint involved</p>	<p>1 conclusion is that a complaint can never be 2 corroborated?</p> <p>3 A. Well, is the conclusion? Well, my 4 conclusion was not sustained. Are you referring 5 to that?</p> <p>6 Q. First I'm asking generally. If there's 7 no witnesses and there's no documentary 8 evidence, is the conclusion is that the 9 complaint can never be corroborated?</p> <p>10 A. I'm not sure I understand that entirely.</p> <p>11 Q. Sure. Well, you testified that your job 12 as an IAD investigator is to see whether 13 complaints can be corroborated; right?</p> <p>14 A. Well, in order to come to a conclusion, 15 sure. You're leaving half of it out.</p> <p>16 Q. Okay. In order to assess whether 17 complaints can be corroborated so you can get to 18 a conclusion and there's no witnesses and 19 there's no documentary evidence, is the 20 conclusion always that -- a not sustained 21 conclusion?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 So just so we're clear on the</p>
Page 22	Page 24
<p>1 with it.</p> <p>2 I mean we can run the gamut. I can 3 list many methods of evidence that I look for 4 depending on the actual complaint itself. I 5 mean we can go all the way down to DNA and blood 6 analysis, I mean.</p> <p>7 Q. All right, well, the audio video 8 recording falls under the category of 9 documentary evidence that you're looking for; 10 correct?</p> <p>11 A. Okay.</p> <p>12 Q. So anything other than witnesses or 13 documentary evidence that you are looking at to 14 try to determine whether you can corroborate a 15 complaint?</p> <p>16 A. I guess they are the main two. I'm at a 17 loss for what other evidence you're looking for.</p> <p>18 Q. All right.</p> <p>19 A. Forensic evidence, again.</p> <p>20 Q. And that would fall under documentary 21 evidence?</p> <p>22 A. I guess.</p> <p>23 Q. All right. So if there's no witnesses 24 and there's no documentary evidence, then is the</p>	<p>1 record, am I correct that you disagree that it's 2 your job as an investigator to assess 3 credibility during the course of interviews that 4 you conduct when you're investigating 5 complaints?</p> <p>6 MS. GHEE: Objection. Asked and 7 answered.</p> <p>8 MS. GURMANKIN: Hold on. One person 9 makes objections. You can't have two.</p> <p>10 MS. GHEE: I will make them.</p> <p>11 MS. GURMANKIN: Okay.</p> <p>12 BY MS. GURMANKIN:</p> <p>13 Q. You can answer.</p> <p>14 A. What was it again?</p> <p>15 MS. GURMANKIN: Sure. Do you mind 16 reading that back, Terry. Thanks.</p> <p>17 (The pending question was then read 18 back by the reporter.)</p> <p>19 MS. GHEE: And objection. Asked and 20 answered.</p> <p>21 MS. GURMANKIN: Right, we got that.</p> <p>22 You can answer.</p> <p>23 MS. GHEE: You don't have to answer.</p> <p>24 It's asked and answered.</p>

<p>1 MS. GURMANKIN: That is 2 inappropriate, Kia.</p> <p>3 MS. GHEE: No, it is not.</p> <p>4 BY MS. GURMANKIN:</p> <p>5 Q. You can answer the question.</p> <p>6 MS. GHEE: Don't answer.</p> <p>7 MS. GURMANKIN: You are instructing 8 him not to answer?</p> <p>9 MS. GHEE: Yes. He has already 10 answered the question.</p> <p>11 MS. GURMANKIN: That's against the 12 rules, Kia. You know that.</p> <p>13 MS. GHEE: He's already answered the 14 question, Caren. You've asked it five times. 15 He's answered.</p> <p>16 MS. GURMANKIN: That's inappropriate 17 and it's improper and it's against the rulings 18 and we're not doing that.</p> <p>19 BY MS. GURMANKIN:</p> <p>20 Q. You can answer the question.</p> <p>21 MS. GHEE: Don't answer.</p> <p>22 MS. GURMANKIN: You are filing a 23 motion for protective order?</p> <p>24 MS. GHEE: If we have to. You've</p>	<p>Page 25</p> <p>1 complaint and have her sign a permission form 2 for that.</p> <p>3 Q. Her EEOC charge?</p> <p>4 A. I believe. Whatever she filed with -- 5 the full interview with Lieutenant Linneman and 6 I think her EEO, whatever that is, official 7 complaint.</p> <p>8 Q. And you got that?</p> <p>9 A. I believe I did, yes.</p> <p>10 Q. Okay. Were you limited at all in terms 11 of the information that you could get to review 12 as part of your investigation?</p> <p>13 A. I don't think so.</p> <p>14 Q. Okay.</p> <p>15 Now, before you start investigating, 16 you know that Holmes has been previously accused 17 of inappropriate sexual conduct; correct?</p> <p>18 A. I am aware of that, yes.</p> <p>19 Q. All right.</p> <p>20 I am going to hand you what's been 21 previously marked. If you can take a look at 22 P-12.</p> <p>23 P-12 is the concise officer history 24 for Chief Inspector Holmes. Did you review</p>
<p>1 already asked the question five times five 2 different ways and he's answered it.</p> <p>3 MS. GURMANKIN: So you're 4 instructing him not to answer?</p> <p>5 MS. GHEE: Yes. He's already 6 answered it.</p> <p>7 MS. GURMANKIN: And you'll be filing 8 a motion under the rules?</p> <p>9 MS. GHEE: We will.</p> <p>10 MS. GURMANKIN: Okay.</p> <p>11 BY MS. GURMANKIN:</p> <p>12 Q. Chief inspector Flacco testified that if 13 someone makes a complaint about something that 14 happened years ago, that he does not hold it 15 against their credibility that they didn't come 16 forward at the time that it happened.</p> <p>17 Do you agree with that?</p> <p>18 A. Yes.</p> <p>19 Q. Now, as part of your investigation into 20 Detective Vandegrift's complaints, were you 21 limited at all in terms of what information you 22 could review?</p> <p>23 A. I believe I had to ask Detective 24 Vandegrift for her permission to look at her EEO</p>	<p>Page 26</p> <p>1 this?</p> <p>2 A. I reviewed something resembling this, 3 yes.</p> <p>4 Q. Okay. With the information, maybe just 5 not in that form?</p> <p>6 A. I mean it looks similar. The usual 7 format that we have, yeah.</p> <p>8 Q. Sure. All right. And if you can turn 9 to the second page with the number at the 10 bottom, 1554.</p> <p>11 A. Okay.</p> <p>12 Q. All right. And you see in about the 13 middle there is an allegation that he's been 14 charged with conduct unbecoming an officer?</p> <p>15 A. Yes.</p> <p>16 Q. And you see under that that there's a 17 charge making a false statement in a department 18 investigation?</p> <p>19 A. Yes, uh-huh.</p> <p>20 Q. All right. And then if you can turn to 21 the page Bates stamped 1557.</p> <p>22 And in the middle of the page 23 there's an allegation of perjury.</p> <p>24 Do you see that?</p>

	Page 29	Page 31
<p>1 A. I do see that, yes.</p> <p>2 Q. Okay. All right, and then if you turn</p> <p>3 to page Bates stamped 1562.</p> <p>4 All right, so at the top of the page</p> <p>5 there's an allegation of sexual misconduct</p> <p>6 involving an officer, and it's sexual assault</p> <p>7 and sex in a police vehicle.</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. All right. And then further down</p> <p>11 there's an equal employment opportunity</p> <p>12 violation, a claim of sexual harassment.</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. And on the next page, 1563.</p> <p>16 At the very bottom there's another</p> <p>17 EEO allegation, allegation of harassment and</p> <p>18 hostile work environment.</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. And if you go on to Page 1565, at the</p> <p>22 top, there's the allegation that you</p> <p>23 investigated; right?</p> <p>24 A. Yes.</p>	<p>1 Q. Could you have?</p> <p>2 A. I believe -- I don't believe I'm privy</p> <p>3 to the EEO stuff entirely. Anything EEO</p> <p>4 related, I don't think I would have done.</p> <p>5 Q. Okay. So if you had asked for that,</p> <p>6 your understanding is the answer would have been</p> <p>7 no, you're not entitled to that?</p> <p>8 A. Well, I haven't asked it, so I guess I</p> <p>9 don't really know.</p> <p>10 Q. Okay.</p> <p>11 A. I mean I don't see why I wouldn't have,</p> <p>12 but I do know there's an EEO unit and I do know</p> <p>13 Sergeant Linneman, Sergeant Linneman at the</p> <p>14 time, Lieutenant Linneman now, was investigating</p> <p>15 the EEO portion of it, and we did confer. But I</p> <p>16 didn't ask for the jacket or the investigation</p> <p>17 of each one to review, no.</p> <p>18 Q. All right. So you could have gotten</p> <p>19 information, you don't know, is that fair?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 MS. GURMANKIN: Let's have this</p> <p>23 marked.</p> <p>24 <u>(P-14)</u> was marked for</p>	
	Page 30	Page 32
<p>1 Q. All right. Now, the others, you were</p> <p>2 aware of all of that when you started your</p> <p>3 investigation; correct?</p> <p>4 A. Well, I was aware of the incident with</p> <p>5 the -- I mean I saw his history. I don't</p> <p>6 remember Nicole -- I'm sorry, I probably</p> <p>7 shouldn't mention a name. But I don't remember</p> <p>8 the EEO 12001 in there.</p> <p>9 Q. But you would have seen it if you</p> <p>10 reviewed his history; right?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And you got that when you started</p> <p>13 your investigation?</p> <p>14 A. I received his IA Crow history, yes.</p> <p>15 Q. You're aware of allegations that Police</p> <p>16 Officer Christa Hayburn made against Chief</p> <p>17 Inspector Holmes?</p> <p>18 A. That doesn't ring a bell right now, no.</p> <p>19 Q. Okay. When you got his disciplinary</p> <p>20 history, when you started your investigation,</p> <p>21 did you ask for any details when you saw that he</p> <p>22 had been previously accused of sexual harassment</p> <p>23 and sexual misconduct?</p> <p>24 A. No, uh-uh.</p>	<p>1 identification.)</p> <p>2 BY MS. GURMANKIN:</p> <p>3 Q. All right, you have been handed what's</p> <p>4 been marked as <u>P-14</u>, Bates stamped City1066 to</p> <p>5 1069. This is a handwritten complaint that</p> <p>6 Police Officer Hayburn filed against Chief</p> <p>7 Inspector Holmes.</p> <p>8 Have you seen this document before?</p> <p>9 A. No.</p> <p>10 Q. All right, so let's go to the first</p> <p>11 page. I'm going to read through some of this.</p> <p>12 Under "Describe incident in detail,"</p> <p>13 do you see where I am?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 "I was assigned to the East task for</p> <p>17 1-3, 2006. On 1-6, 2006, our tour was changed</p> <p>18 to work 10A to 6 p.m. and meet as a squad for</p> <p>19 Inspector Holmes' last day before he left for</p> <p>20 the FBI Academy on Monday, 1-9, 2006, at the</p> <p>21 Philly Empire Lounge at above location.</p> <p>22 "As the evening progressed and I was</p> <p>23 dancing with other officers, I was asked to come</p> <p>24 over and talk to Inspector Holmes, at which time</p>	

<p style="text-align: right;">Page 33</p> <p>1 he proceeded to tell me that he was very 2 attracted to me and put his arm around me. I 3 shrugged off the comment assuming it was the 4 alcohol talking and ordered a drink and went 5 back to dance.</p> <p>6 "At some point my phone rang and I 7 walked outside to speak to P/O Rollie Ramos, 8 PR247387 on the phone. While I was in the 9 middle of my conversation, the inspector came 10 outside and grabbed my hand, guiding me to the 11 other side of the street, where my vehicle and 12 his white Durango were parked. I quickly 13 explained to P/O Ramos that the inspector wanted 14 to talk to me and hung up the phone.</p> <p>15 "The inspector pulled me over to the 16 passenger side of the truck, held on my waist, 17 and pulled me close to him, where he began to 18 kiss me with his tongue. He then expressed to 19 me that he was always attracted to me and 20 believed I felt the same and wanted me to make 21 sure that I would let him know when I was 22 leaving. At that time we both walked back 23 inside the bar.</p> <p>24 "I immediately walked into the</p>	<p style="text-align: right;">Page 35</p> <p>1 my keys into the door, when I heard the 2 inspector call my name and ask me to wait. 3 "I sat inside my car and explained 4 that my husband was waiting for me at home and I 5 had to leave. That's when I hung up my call. 6 My driver door was still open, but was not 7 turned on, when he grabbed my arm and guided me 8 out of the car, shut my door, and walked me over 9 to the passenger side of his Dodge Durango, 10 opened the door, and made me get into the 11 passenger's seat. From the time I walked from 12 my car towards his, I kept explaining that I had 13 to leave and I was being waited up for by my 14 husband. He kept telling me not to worry about 15 it, and it won't be long.</p> <p>16 "He got into the driver's side of 17 his vehicle, at which time I told him that I had 18 to go, and I don't want to do anything. He then 19 came towards me and began kissing me on my mouth 20 with his tongue, grabbing my breasts, and the 21 inside of my thighs to my vagina area. He kept 22 telling me to come on because he was leaving and 23 wouldn't be back for three months. I kept 24 insisting that I had to leave, and he continued</p>
<p style="text-align: right;">Page 34</p> <p>1 ladies room and sat inside the furthest stall, 2 not sure what I was going to do. I then 3 re-called P/O Ramos and attempted to tell him 4 what had just happened and to try and help me 5 think of a way to get out of the bar without the 6 inspector knowing. The front door was my only 7 option. I sat inside of the bathroom very 8 afraid.</p> <p>9 "I then walked over to the sink, 10 still inside of the bathroom, which was located 11 right the door leading into the bathroom on the 12 phone talking when the door opened and it was 13 the inspector asking me not to forget to tell 14 him when I left.</p> <p>15 "I told P/O Ramos what the inspector 16 had just done asked what I should do. I waited 17 another eight to ten minutes and decided to stay 18 on the phone with P/O Ramos as I left the bar, 19 hoping the inspector would think that I was 20 talking to my husband. I walked out of the 21 bathroom and it seemed that everyone had left 22 while I was in the bathroom. I kept walking 23 towards the front door and talking on my phone. 24 I got outside into my car getting ready to put</p>	<p style="text-align: right;">Page 36</p> <p>1 to touch my breasts, kiss me and telling me to 2 come on. He unbuckled his belt and opened his 3 pants, when he took my hand and placed it on his 4 penis, making me rub it in a jerking off manner. 5 He then put his hand on the back of my pants and 6 placed fingers inside of my vagina, asking me to 7 come over to his side and get on top of him. I 8 said no, that I can't, and I needed to leave, 9 but he asked me to make him cum because he won't 10 get any while he was in Virginia. I felt like I 11 had no other option, and I was too afraid to 12 leave, and I just kept repeating I had to leave.</p> <p>13 "The inspector attempted to push my 14 head down to give him oral sex, and I said no, 15 during which time the inspector ejaculated. He 16 took my phone and called his cell phone so he 17 could have my phone number in his phone. After 18 that, I left in my vehicle, pulled around the 19 corner and began to cry uncontrollably. I 20 didn't know what to do. He was my boss and 21 inspector and a lawyer.</p> <p>22 "After I gathered myself together, I 23 called P/O Ramos, where he met up with me, and I 24 explained to him what had happened to me after I</p>

<p>1 hung up with him.</p> <p>2 "The following week while I worked</p> <p>3 night work, I received several calls from the</p> <p>4 inspector, but he just left messages."</p> <p>5 Have I read all that correctly?</p> <p>6 A. Yes, ma'am, you did.</p> <p>7 Q. That's horrifying to read, isn't it?</p> <p>8 A. It is.</p> <p>9 Q. Did you know anything about those</p> <p>10 allegations at the time that you start</p> <p>11 investigating Detective Vandegrift's complaints</p> <p>12 that Chief Inspector Holmes sexually assaulted</p> <p>13 her?</p> <p>14 A. Is this the incident where he was</p> <p>15 demoted eventually over?</p> <p>16 Q. Well, actually, it wasn't. It had</p> <p>17 nothing to do with these allegations.</p> <p>18 Did you know about --</p> <p>19 A. Pardon?</p> <p>20 Q. It had nothing to do with Police Officer</p> <p>21 Hayburn's allegations, the fact that he was</p> <p>22 demoted.</p> <p>23 A. Oh, okay.</p> <p>24 Q. Were you aware at all of her allegations</p>	<p>Page 37</p> <p>1 allegations are heinous, they were. And it was</p> <p>2 my job to stick to finding out some type of</p> <p>3 conclusion for that allegation.</p> <p>4 I would have liked to have found</p> <p>5 evidence to support, because this type of</p> <p>6 conduct certainly doesn't belong, one, in our</p> <p>7 department, nor does it belong in our society as</p> <p>8 a whole. And if anybody, you know, would have</p> <p>9 loved to seen, you know, Holmes arrested for it,</p> <p>10 I would have. But I simply didn't find any</p> <p>11 evidence pertaining to her allegations.</p> <p>12 There's a ton of allegations against</p> <p>13 Holmes. You know that. The book shows it. He</p> <p>14 has previous jobs. But I can't pin that on him</p> <p>15 to say, hey, he's guilty because he's done it</p> <p>16 before. I would get thrown right out in court.</p> <p>17 You wouldn't even accept it as an attorney.</p> <p>18 Q. Do you believe that Holmes should be off</p> <p>19 this police force because of conduct he's</p> <p>20 engaged in?</p> <p>21 A. The things he's been found guilty of I</p> <p>22 thought could have been harsher, but that's not</p> <p>23 my job. That's not my opinion to have either.</p> <p>24 Q. Well, I'm asking your opinion,</p>
<p>Page 38</p> <p>1 at the time that you started your investigation?</p> <p>2 A. No.</p> <p>3 Q. Do you think you should have been?</p> <p>4 A. It certainly, it's information to keep</p> <p>5 in mind.</p> <p>6 Q. It would be relevant, wouldn't it, to</p> <p>7 your investigation of Detective Vandegrift's</p> <p>8 complaints that he sexually assaulted her?</p> <p>9 A. Well, it would be relevant to know, yes,</p> <p>10 sure, but it really doesn't have a whole lot of</p> <p>11 bearing on Detective Vandegrift's allegation.</p> <p>12 Q. Well, Detective Vandegrift's allegations</p> <p>13 included that Chief Inspector Holmes stuck his</p> <p>14 hands down her pants and inserted his fingers</p> <p>15 into her vagina; correct?</p> <p>16 A. Absolutely a horrifying incident,</p> <p>17 absolutely.</p> <p>18 Q. Yes, it was.</p> <p>19 A. However, if a bank robber does ten years</p> <p>20 for robbing a bank and gets out, do I accuse him</p> <p>21 of every other bank robbery because he's a bank</p> <p>22 robber? And that sounds harsh to say and I'm</p> <p>23 sorry to say it in that manner.</p> <p>24 But Detective Vandegrift's job --</p>	<p>Page 40</p> <p>1 Lieutenant Saggese. Do you believe that this is</p> <p>2 a guy who should not be on the police</p> <p>3 department?</p> <p>4 A. I really can't say. It's not my</p> <p>5 position to say. I mean if he's found guilty of</p> <p>6 certain infractions and he has met out his</p> <p>7 suspension with his days and demotion and got it</p> <p>8 all back, then he's served his time, basically.</p> <p>9 Q. I'm asking your opinion as a 16-year</p> <p>10 internal affairs investigator and a long-time</p> <p>11 member of the police department. I mean have</p> <p>12 you ever engaged in this type of conduct that</p> <p>13 Chief Inspector Holmes is being accused of?</p> <p>14 A. Are you asking me if I'm a rapist, is</p> <p>15 that what you're asking?</p> <p>16 Q. Yeah.</p> <p>17 A. Because that's what it sounds like.</p> <p>18 Q. Well, I'm asking if you've ever engaged</p> <p>19 in this type of conduct?</p> <p>20 A. I'd like to have that very specifically.</p> <p>21 Are you asking me if I'm a rapist, because</p> <p>22 that's what you just asked.</p> <p>23 Q. No, sir. I'm asking --</p> <p>24 A. And I think it is a little</p>

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<p>1 unprofessional asking it that way.</p> <p>2 Q. What I am asking is do you want someone</p> <p>3 like this who is repeatedly accused of sexually</p> <p>4 assaulting female employees in the department</p> <p>5 with you who doesn't engage in that type of</p> <p>6 conduct and other members of the department who</p> <p>7 don't engage in that type of conduct, is this a</p> <p>8 guy that you want as a member of your police</p> <p>9 department?</p> <p>10 A. Absolutely not. Who would?</p> <p>11 Q. Do you think he should be off the force?</p> <p>12 A. It's not my position to say, ma'am.</p> <p>13 Q. Do you have an opinion on that?</p> <p>14 A. There's a lot of officers that are out</p> <p>15 there right now that I wish were off the force</p> <p>16 because they're criminals.</p> <p>17 Q. Is he one of them?</p> <p>18 A. And unfortunately, the legal aspects of</p> <p>19 our city and arbitration and union and all put</p> <p>20 these people back on the job.</p> <p>21 Q. Is he one of them?</p> <p>22 A. No matter how much I fight, scream,</p> <p>23 yell, beg and holler, they are still back on the</p> <p>24 job.</p>	<p>1 allegations enough to justify his termination</p> <p>2 and arrest, and unfortunately that's just the</p> <p>3 way it is. That her allegations were so old,</p> <p>4 the areas of evidence that I could have looked</p> <p>5 at have dried up. I really can't do anything</p> <p>6 for her.</p> <p>7 Q. Okay.</p> <p>8 A. And that makes me disappointed that if</p> <p>9 it did happen, we have somebody like this still</p> <p>10 on the job.</p> <p>11 Q. All right. And you testified that there</p> <p>12 are members of the police department that you</p> <p>13 think should be off the department; correct?</p> <p>14 A. Based on the investigations I have had</p> <p>15 of them, yes. I just don't feel as though that</p> <p>16 the punishment they received was sufficient</p> <p>17 enough, but that's me.</p> <p>18 Q. Is Inspector Holmes one of those people</p> <p>19 that you think should be off the department?</p> <p>20 A. Look, I don't have any evidence against</p> <p>21 the guy, so I can't really say. I mean I don't</p> <p>22 know what the allegation -- the outcome of this</p> <p>23 allegation was. Was there evidence to say. I</p> <p>24 mean, as far as I know, what was the outcome of</p>
Page 42	Page 44
<p>1 Q. Is he one of them that you would like to</p> <p>2 see off the force?</p> <p>3 A. I really can't answer that.</p> <p>4 Q. Is he one of the ones that you've</p> <p>5 begged, screamed, hollered to have someone take</p> <p>6 action and get him off the police force so that</p> <p>7 he doesn't keep doing this to female employees?</p> <p>8 A. If I had had evidence, hard evidence</p> <p>9 against Chief Holmes in either Detective</p> <p>10 Vandegrift's allegation or any other allegation</p> <p>11 that I investigated concerning him and he did</p> <p>12 not get the proper discipline or suspension or</p> <p>13 termination, then yeah, I would have screamed,</p> <p>14 hollered about it. But unfortunately, me as a</p> <p>15 person, I know what I have, and I found no</p> <p>16 evidence against the guy.</p> <p>17 Q. I think you testified earlier that you</p> <p>18 would have liked to be able to support Detective</p> <p>19 Vandegrift's allegations against him; correct?</p> <p>20 A. I would have, yes.</p> <p>21 Q. Why?</p> <p>22 A. Because I feel that if she was</p> <p>23 assaulted, that I haven't provided enough</p> <p>24 service to her that I couldn't prove her</p>	<p>1 this job? I don't know. Was it unfounded?</p> <p>2 Q. It was not sustained like Detective</p> <p>3 Vandegrift's.</p> <p>4 A. It was not sustained? Then I really</p> <p>5 can't, I can't hold something that I can't prove</p> <p>6 against somebody. That wouldn't be fair.</p> <p>7 Q. Do you have an opinion just based on</p> <p>8 what you've seen about Chief Inspector Holmes</p> <p>9 and the allegations that have been made against</p> <p>10 him?</p> <p>11 A. I don't have an opinion, no.</p> <p>12 Q. Is this a guy that you want to work</p> <p>13 with?</p> <p>14 MS. GHEE: Objection. Asked and</p> <p>15 answered.</p> <p>16 THE WITNESS: Look, there's a lot of</p> <p>17 allegations against Chief Inspector Holmes.</p> <p>18 Again, it would be horrible, much like someone</p> <p>19 would allege a false allegation against you.</p> <p>20 What if one of your co-workers began to spread</p> <p>21 vicious rumors about you? You wouldn't want</p> <p>22 people to base their opinion on you based on</p> <p>23 vicious, unfounded or not sustained rumors.</p> <p>24 That's horrible.</p>

<p>1 And I wouldn't want to do that to 2 Chief Holmes either. I'm not saying he's a 3 choir boy, but from what I know based on my 4 interactions with him and the allegations that 5 I've investigated against him, that I can't say 6 for sure that he did this or not. So I wouldn't 7 want to say, hey, the man's a rapist when I 8 can't prove it. That's horrible.</p> <p>9 BY MS. GURMANKIN:</p> <p>10 Q. Do you think that the allegations that 11 have been made against Holmes are just vicious 12 rumors?</p> <p>13 A. Unfortunately, looking at some of the 14 dispositions of the allegations against him, 15 some are unfounded, some are not sustained, and 16 I can't hold that against him.</p> <p>17 Q. Do you think there are rumors, though, 18 or the allegations have merit, they just can't 19 be sustained, they can't be proven?</p> <p>20 A. Frankly, I'll go back to a job that I 21 had on him.</p> <p>22 Q. Sure.</p> <p>23 A. Involving where he worked at in the 24 arsenal building. I had received a job that a</p>	<p>Page 45</p> <p>1 allegations against Chief Holmes because they 2 didn't get where they wanted to go and they 3 were, you know, nice to him. I'm not going to 4 say that he's a bad person if I can't prove it.</p> <p>5 Q. Now, we talked about Detective 6 Vandegrift's allegations that, among other 7 things, Holmes inserted his fingers into her 8 vagina; correct?</p> <p>9 A. Yes.</p> <p>10 Q. And you see that in Police Officer 11 Hayburn's complaint, her handwritten complaint, 12 she alleged exactly the same thing, that he put 13 his hand down the back of my pants and placed 14 his fingers inside of my vagina, do you see 15 that?</p> <p>16 A. Yes.</p> <p>17 Q. Do you think that knowing that that very 18 same allegation had been made would have been 19 relevant to your investigation of Detective 20 Vandegrift's allegations?</p> <p>21 A. No. I mean look, as I said, it's 22 information to have. It is slightly different. 23 It's not the same. In fact, Detective 24 Vandegrift's allegation was he unzipped her</p>
<p>1 secretary was found sitting on his lap by an 2 officer. I interviewed the officer. The 3 officer denied that she made the allegations. 4 She said it was during the course of a 5 conversation she had with another officer, and 6 that the other officer was the source of that 7 complaint.</p> <p>8 So I find Officer B. I interview 9 Officer B. "No, I never said that. She's 10 lying," meaning Officer A, about her allegations 11 of seeing this secretary sitting on Chief 12 Holmes' lap, which would be inappropriate in the 13 workplace. Officer C did it.</p> <p>14 Now I've got a third female officer. 15 The third female officer called the other two 16 female officers liars. Now I've got three 17 officers all pointing the finger at each other 18 as the source of this supposed allegation. I 19 have nothing to show.</p> <p>20 Am I to believe that it happened or 21 am I to believe that some people are just out to 22 get Chief Holmes and will say anything they want 23 in order to get a better position for themselves 24 within the department? Or are they making these</p>	<p>Page 46</p> <p>1 front pants and didn't enter through the back, 2 so the method is different. Although it may not 3 seem that different to you, but it certainly is. 4 The fact that this did or did not 5 occur or the allegation was made or not made has 6 no bearing on Detective Vandegrift's 7 allegations. I can't say, hey, he did it -- he 8 was alleged to have done it back in 2006, he 9 must be guilty of it.</p> <p>10 Q. Well, no, I'm not saying that it 11 automatically leads to a conclusion that it must 12 be guilty, but don't you agree it's relevant?</p> <p>13 A. But you're saying it's relevant, sure, 14 it is relevant as information, and I knew he had 15 a sexual past. I know he had, you know, 16 allegations against him. The main one I knew 17 about was the one about the sex in the police 18 car and he was demoted and served 30 days over 19 and he got his rank back.</p> <p>20 I mean do I know the particulars of 21 that? No. But I do know he was found guilty of 22 that conduct, which was inappropriate.</p> <p>23 Q. You knew about that at the time that you 24 started --</p>

<p style="text-align: right;">Page 49</p> <p>1 A. Yes.</p> <p>2 Q. -- Detective Vandegrift's investigation?</p> <p>3 A. Yes.</p> <p>4 Q. How did you know about that?</p> <p>5 A. I believe I was in internal affairs when</p> <p>6 it happened.</p> <p>7 Q. Okay. That actually came up during the</p> <p>8 course of the investigation into Police Officer</p> <p>9 Hayburn's complaint.</p> <p>10 Can you explain why you would have</p> <p>11 heard about the sex in the car but not Hayburn's</p> <p>12 complaint?</p> <p>13 A. I don't have an explanation. I don't</p> <p>14 know.</p> <p>15 Q. And as of the time that you are doing</p> <p>16 the investigation into Detective Vandegrift's</p> <p>17 complaint, have you seen any documents regarding</p> <p>18 Holmes having sex in his car?</p> <p>19 A. No, I didn't read the report on it.</p> <p>20 Q. And you didn't ask for the report;</p> <p>21 correct?</p> <p>22 A. No.</p> <p>23 Q. Okay.</p> <p>24 MS. GURMANKIN: Could we have that</p>	<p style="text-align: right;">Page 51</p> <p>1 Inspector Holmes' demotion.</p> <p>2 Have you seen this before?</p> <p>3 A. I don't think I have, no.</p> <p>4 Q. All right, if you can take a look at</p> <p>5 P-8.</p> <p>6 This is another Philly.com article</p> <p>7 about sexual misconduct issues regarding both</p> <p>8 Anthony Washington and Holmes.</p> <p>9 Have you seen this before?</p> <p>10 A. I have seen this, yes.</p> <p>11 Q. This is posted November 7th, 2012. It's</p> <p>12 in about the middle of the first page. So you</p> <p>13 would have seen this prior to you doing --</p> <p>14 A. Yes.</p> <p>15 Q. -- Detective Vandegrift's investigation;</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Now, on the second page, the last</p> <p>19 paragraph, it says, "Internal affairs has two</p> <p>20 open investigations on Holmes, one centers on an</p> <p>21 allegation of inappropriate behavior with a</p> <p>22 female subordinate, which Ramsey said is</p> <p>23 unlikely to be sustained.</p> <p>24 Was that the investigation that you</p>
<p style="text-align: right;">Page 50</p> <p>1 marked, please.</p> <p>2 (P-15 was marked for</p> <p>3 identification.)</p> <p>4 BY MS. GURMANKIN:</p> <p>5 Q. You have been handed what's been marked</p> <p>6 as P-15, Bates stamped City1175 to 1180. This</p> <p>7 is the written interview of Police Officer</p> <p>8 Hayburn regarding her allegation.</p> <p>9 I just want to see if you've seen</p> <p>10 this document before?</p> <p>11 A. No, I haven't.</p> <p>12 MS. GURMANKIN: Could I have that</p> <p>13 marked.</p> <p>14 (P-16 was marked for</p> <p>15 identification.)</p> <p>16 BY MS. GURMANKIN:</p> <p>17 Q. You have been handed what's been marked</p> <p>18 as P-16, Bates stamped City1181 to 1188. You</p> <p>19 haven't seen this before; correct?</p> <p>20 A. No.</p> <p>21 Q. Okay.</p> <p>22 If you can take a look in the binder</p> <p>23 in front of you at P-6.</p> <p>24 This is a Philly.com article about</p>	<p style="text-align: right;">Page 52</p> <p>1 just described?</p> <p>2 A. I couldn't tell you.</p> <p>3 Q. And that was into Officer Theresa</p> <p>4 Brook's allegations?</p> <p>5 A. Frankly, I don't remember the name of</p> <p>6 the female officers. There were three of them.</p> <p>7 Q. Okay.</p> <p>8 MS. GURMANKIN: Thanks.</p> <p>9 (P-17 was marked for</p> <p>10 identification.)</p> <p>11 BY MS. GURMANKIN:</p> <p>12 Q. All right, you have been handed what's</p> <p>13 been marked as P-17, Bates stamped City3674 to</p> <p>14 3680.</p> <p>15 A. Uh-huh.</p> <p>16 Q. This is a transcribed interview that you</p> <p>17 conducted; correct?</p> <p>18 A. Yeah.</p> <p>19 Q. And this is of Police Officer Theresa</p> <p>20 Brooks?</p> <p>21 A. Yes.</p> <p>22 Q. All right. Does that refresh your</p> <p>23 recollection --</p> <p>24 A. Yeah.</p>

<p style="text-align: right;">Page 53</p> <p>1 Q. Okay. And it says that the date of this 2 interview is October 2012.</p> <p>3 A. Yes.</p> <p>4 Q. Does that refresh your recollection as 5 to whether the investigation mentioned in this 6 article that we just looked at was the one you 7 were conducting?</p> <p>8 A. Look, I can't say with any degree of 9 complete certainty that that line is this job. 10 It doesn't say it.</p> <p>11 If you want to infer that in and 12 around the time, I guess it's around the time 13 that this -- if this report is around the time 14 of this investigation, then I guess one could 15 conclude that it may be it. But not with any 16 degree of complete certainty, anyway.</p> <p>17 Q. Are you aware of any other 18 investigations into Holmes' inappropriate 19 behavior with a female subordinate at around 20 this time, late 2012, other than the one you 21 were investigating?</p> <p>22 A. I really don't recall.</p> <p>23 MS. GURMANKIN: Could we have that 24 marked, please.</p>	<p style="text-align: right;">Page 55</p> <p>1 inappropriate behavior, that's the Theresa 2 Brooks' allegation; correct?</p> <p>3 A. I believe it is, yes.</p> <p>4 Q. Okay. And there was a conclusion 5 reached that the allegation was unfounded?</p> <p>6 A. Yes.</p> <p>7 Q. Was that your conclusion?</p> <p>8 A. Yes.</p> <p>9 Q. As the investigator, do you reach 10 conclusions as a result of the investigations 11 that you conduct?</p> <p>12 A. The way our office works is I formulate 13 a conclusion which I think is appropriate for 14 the job. I write up a report. I submit the 15 report to my captain, who then submits it to the 16 inspector, and then to the chief for final 17 review. So any one of those supervisors above 18 me, they review it and they have the 19 responsibility of either agreeing with my 20 conclusion or changing it.</p> <p>21 Q. Okay.</p> <p>22 A. In this particular case, if I remember 23 correctly, that was the three officers who I 24 told you all denied seeing it. And then the</p>
<p style="text-align: right;">Page 54</p> <p>1 (P-18 was marked for 2 identification.)</p> <p>3 BY MS. GURMANKIN:</p> <p>4 Q. All right, you have been handed what's 5 been marked as P-18, Bates stamped City3681 to 6 3686. This is your interview of Inspector 7 Holmes regarding these allegations; correct?</p> <p>8 A. Yes.</p> <p>9 MS. GURMANKIN: Could we have that 10 marked, please.</p> <p>11 (P-19 was marked for 12 identification.)</p> <p>13 BY MS. GURMANKIN:</p> <p>14 Q. And you have been handed what's been 15 marked as P-19, Bates stamped City3651 to 3657, 16 and this is your interview with Dawn Hicks-Cason 17 in regards to these same allegations; correct?</p> <p>18 A. I somewhat recall that, yeah.</p> <p>19 Q. If you go back to the disciplinary 20 history, which is P-12 in the binder.</p> <p>21 A. Uh-huh.</p> <p>22 Q. Page 1565.</p> <p>23 And that equal employment 24 opportunity charge at the top, allegation of</p>	<p style="text-align: right;">Page 56</p> <p>1 person herself, Nicole Rosario denied that it 2 happened too. If I have four people saying it 3 never happened, it was unfounded, yeah.</p> <p>4 Q. Okay. All right, so if you can go to 5 P-19, that's Dawn Hicks-Cason's interview.</p> <p>6 On Page 3653. So on the first 7 couple -- the second and third paragraph, 8 Hicks-Cason is relating to you that she heard 9 Holmes call Nicole Rosario babe.</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. All right. And Holmes denied that. Do 13 you recall? You can go if you need to to P-18.</p> <p>14 MS. GHEE: Can you direct him to a 15 line if you have it?</p> <p>16 MS. GURMANKIN: A what?</p> <p>17 MS. GHEE: A line?</p> <p>18 MS. GURMANKIN: Yeah. I was waiting 19 for him to get to the exhibit.</p> <p>20 BY MS. GURMANKIN:</p> <p>21 Q. 3683. Second to the last paragraph.</p> <p>22 A. Okay.</p> <p>23 Q. You are asking Holmes, "Can you tell me 24 if you have ever referred to Nicole Rosario as</p>

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<p>1 babe or baby while in the presence of others 2 assigned" -- 3 A. Yes. 4 Q. -- "to your building?" And he said no; 5 right? 6 A. Right. 7 Q. All right, so there was a credibility 8 issue there between Dawn Hicks-Cason and Holmes, 9 right, she was saying she heard him say 10 something, he denied saying it; correct? 11 A. Yes. 12 Q. All right. And did you believe that 13 Holmes was telling the truth when he denied it? 14 A. Do you have Nicole Rosario's interview? 15 Did she deny that she was called babe ever? 16 Q. I don't have it here. But I am talking 17 about just between Cason and Holmes. Did you 18 reach a conclusion that Holmes was telling the 19 truth when he denied what Cason said she heard 20 him say? 21 A. Did I reach a conclusion based on what 22 these two people are saying, is that what you 23 are saying? 24 Q. Yes.</p>	<p>1 Q. Yes. She told you she did. If you go 2 back to P-19, Page 3653. 3 A. This is Hicks. 4 Okay. 5 Q. Or actually she's telling you I think 6 that someone else told her; right? 7 A. Yes. 8 Q. Okay. 9 So did you conclude that she 10 misheard? 11 A. I concluded that the three of them had 12 no idea what was happening, yeah. 13 Q. Okay. 14 A. Pretty much I couldn't hang my hat on 15 anything. 16 Q. Did you believe Holmes when he denied 17 calling Nicole Rosario babe? 18 A. I'm going to have to say that I don't 19 really know, because unless I have Nicole 20 Rosario, and that's the person who is the 21 alleged victim here kind of, I believe she 22 denied all of this. 23 Q. So if Nicole Rosario denied everything, 24 did that lead you to conclude that you believed</p>
Page 58	Page 60
<p>1 A. No, not based on these two people, no. 2 Q. Okay. 3 A. Based on the entirety of the 4 investigation I reached a conclusion. 5 Q. Did you actually reach a conclusion that 6 Dawn Hicks-Cason was lying when she told you 7 that she heard Holmes call Rosario babe? 8 A. I'm sorry, what was that again, ma'am? 9 MS. GURMANKIN: Do you mind reading 10 that, Terry. Thanks. 11 (The pending question was then read 12 back by the reporter.) 13 THE WITNESS: I don't think I 14 reached a conclusion that they were lying. I 15 think the conclusion that her and two other 16 officers were talking and neither one of them 17 had an idea of what each one of them was saying. 18 And I think that says it in her interview as 19 well. 20 BY MS. GURMANKIN: 21 Q. Did you -- 22 A. She says she was told about Nicole 23 Rosario being called babe. Did she actually 24 witness it?</p>	<p>1 Holmes? 2 A. Well, it would prove to me, at least on 3 paper, that it didn't happen. And if Holmes 4 said it didn't happen, then yes, he would be 5 believable. 6 Q. Did you review any documents related to 7 this investigation when you started 8 investigating Detective Vandegrift's complaints? 9 A. I'm sorry, what was that again? 10 Q. Did you review any documents related to 11 your 2012 investigation involving Holmes when 12 you started reviewing Detective Vandegrift's 13 complaints? 14 A. I really apologize. I missed the -- 15 you're talking -- really slow the first part. 16 Q. Sure. 17 A. I can't hear you. 18 Q. Did you review any of the documents 19 related to your 2012 investigation involving 20 Holmes when you investigate Detective 21 Vandegrift's complaints? 22 A. Well, she complained in 2014. 23 Q. Uh-huh. 24 A. After the fact. Right?</p>

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<p>1 Q. Right.</p> <p>2 A. So I didn't really need to rereview</p> <p>3 them, no.</p> <p>4 Q. Okay, I am just asking --</p> <p>5 A. Oh, all right. That's what I thought</p> <p>6 you were saying. No, I did not. I did them.</p> <p>7 Q. Okay.</p> <p>8 A. I don't need to rereview them.</p> <p>9 Q. Okay. Can you go to P-5.</p> <p>10 This is another Philly.com article</p> <p>11 involving Holmes and his position regarding the</p> <p>12 school district.</p> <p>13 Had you seen this article as of the</p> <p>14 time that you start investigating Detective</p> <p>15 Vandegrift's complaints about him?</p> <p>16 A. I really don't recall. I mean I read</p> <p>17 the paper. I read Philly.com, but I don't have</p> <p>18 an independent recollection of this, no.</p> <p>19 Q. Okay. Did you ever form an opinion as</p> <p>20 to whether Holmes assaulted Detective</p> <p>21 Vandegrift?</p> <p>22 A. An opinion? I mean I don't know whether</p> <p>23 it happened or not, to be honest.</p> <p>24 Q. Well, you're --</p>	Page 62	<p>1 Holmes?</p> <p>2 A. No, I didn't.</p> <p>3 Q. Did you think they were equally</p> <p>4 credible?</p> <p>5 A. I mean it is what it is. I wouldn't</p> <p>6 know why, what reason would Detective Vandegrift</p> <p>7 have to lie? Obviously Chief Holmes would have</p> <p>8 a reason to lie because it would be another</p> <p>9 allegation sustained against him.</p> <p>10 But I don't really know who's</p> <p>11 credible. I couldn't find evidence one way or</p> <p>12 the other. And that's the swaying thing. I'm</p> <p>13 not going to say one person's lying over another</p> <p>14 if I really don't have anything to point to to</p> <p>15 say this is what gives me the reason to believe</p> <p>16 that.</p> <p>17 Q. Did Detective Vandegrift do or say</p> <p>18 anything when you interviewed her that led you</p> <p>19 to conclude that she was not telling the truth?</p> <p>20 A. No. I mean I don't think so, no.</p> <p>21 Q. Did you review any part of Detective</p> <p>22 Vandegrift's record as part of your</p> <p>23 investigation?</p> <p>24 A. I did, yeah.</p>	
	Page 62		Page 64
<p>1 A. I really don't.</p> <p>2 Q. -- a 16-year internal affairs</p> <p>3 investigator. I mean how many complaints would</p> <p>4 you estimate you've investigated in that time</p> <p>5 period?</p> <p>6 A. With internal affairs?</p> <p>7 Q. Yes.</p> <p>8 A. I'm around 400.</p> <p>9 Q. 400. And obviously you conducted</p> <p>10 investigations as a police officer prior to --</p> <p>11 A. Yes.</p> <p>12 Q. -- joining internal affairs; correct?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. So just based on your experience</p> <p>15 conducting at least, if not more, than 400</p> <p>16 complaints, did you form an opinion as to</p> <p>17 whether Carl Holmes assaulted Detective</p> <p>18 Vandegrift?</p> <p>19 A. No, I don't think I was swayed one way</p> <p>20 or the other. I just don't know. I don't know</p> <p>21 whether it did happen. I don't know whether it</p> <p>22 didn't happen.</p> <p>23 Q. Did you ever form an opinion as to who</p> <p>24 was more credible, Detective Vandegrift or</p>	Page 62	<p>1 Q. Did you find anything in her record that</p> <p>2 would suggest that she had integrity issues or</p> <p>3 credibility issues?</p> <p>4 A. No.</p> <p>5 Q. Was there anything in Holmes' record</p> <p>6 that suggested that he had integrity issues or</p> <p>7 credibility issues?</p> <p>8 A. Sure. He pointed out in his IA history</p> <p>9 that he's had some issues with falsifying either</p> <p>10 a statement or a report, yeah.</p> <p>11 Q. And also --</p> <p>12 A. That's what he was charged with.</p> <p>13 Q. And also prior allegations of sexually</p> <p>14 inappropriate conduct?</p> <p>15 A. Again, the other allegations, I mean if</p> <p>16 they're proven and there's evidence to say that</p> <p>17 he's guilty of it, sure. But from what I</p> <p>18 remember, there were quite a few of them that</p> <p>19 weren't not sustained or unfounded. There were</p> <p>20 a few that were.</p> <p>21 Q. Sure. And the fact that he had similar</p> <p>22 allegations against him would suggest that maybe</p> <p>23 he has integrity or credibility issues; correct?</p> <p>24 A. Sure.</p>	

<p style="text-align: right;">Page 65</p> <p>1 Q. Okay.</p> <p>2 A. There's always an air about that, when</p> <p>3 somebody lies once, they are going to lie again.</p> <p>4 Q. And as you yourself said he would have</p> <p>5 reason to lie about Detective Vandegrift's</p> <p>6 allegations; right?</p> <p>7 A. Yeah.</p> <p>8 Q. Okay. So based on -- and you agree, by</p> <p>9 the way, that if Detective Vandegrift is making</p> <p>10 this up, then she's committing perjury?</p> <p>11 A. Well, that would be true too, yeah.</p> <p>12 That's a possibility.</p> <p>13 Q. If that's the case, she should be</p> <p>14 terminated; right?</p> <p>15 A. If proven that she was committing</p> <p>16 perjury, yes, I would ask to see her</p> <p>17 termination, absolutely.</p> <p>18 Q. All right. So when you've got someone</p> <p>19 and Detective Vandegrift whose record doesn't</p> <p>20 give any indication that she's got integrity or</p> <p>21 credibility issues and who submitted a sworn</p> <p>22 EEOC charge, including this allegation that</p> <p>23 Holmes did this to her, and then you've got</p> <p>24 Holmes whose got -- whose record indicates</p>	<p style="text-align: right;">Page 67</p> <p>1 that would have tipped the scale for us to say,</p> <p>2 hey, this thing happened.</p> <p>3 But the fact that, you know, she</p> <p>4 waited seven years, I'm sure it weighed on her</p> <p>5 mind. I'm sure it tormented her in some way.</p> <p>6 But I can't say whether she's credible or not</p> <p>7 credible or I believe her more or less than</p> <p>8 anybody else. I just -- I'm not that way. I</p> <p>9 believe in what I have. And what I have is I</p> <p>10 don't have anything. I have her word against</p> <p>11 his word. That's what I have.</p> <p>12 Q. You've got the word of someone who</p> <p>13 doesn't have any integrity or credibility issues</p> <p>14 and you've got the word of someone who's got</p> <p>15 multiple integrity and credibility issues and</p> <p>16 who has every reason to lie; right?</p> <p>17 A. I guess in a court of law, we could see</p> <p>18 how that's going to pan out.</p> <p>19 Q. And we will. But if you could just</p> <p>20 answer the question. Do you need it repeated?</p> <p>21 A. If you're asking me to agree that I</p> <p>22 believe her or him less? Is that what you're</p> <p>23 asking?</p> <p>24 Q. No.</p>
<p style="text-align: right;">Page 66</p> <p>1 multiple issues with credibility and integrity,</p> <p>2 how can you not come to a conclusion that</p> <p>3 Detective Vandegrift is more credible than he</p> <p>4 is?</p> <p>5 A. I guess I'm going to have to defer to</p> <p>6 what my wife says, I'm a black and white person.</p> <p>7 I either have evidence or I don't, and I don't</p> <p>8 see the middle ground, and that's where this is</p> <p>9 going to fall. There's a ton of allegations</p> <p>10 against Holmes the course of his career. Some</p> <p>11 are founded, some aren't.</p> <p>12 Detective Vandegrift came seven</p> <p>13 years after the fact. Now, she's a cop. She's</p> <p>14 a detective. She had to have known that at some</p> <p>15 point if she wanted to make this complaint that</p> <p>16 the well was going to be dry with evidence. Why</p> <p>17 didn't she come, you know, sooner, when we</p> <p>18 possibly could have corroborated the text</p> <p>19 messages or phone calls, which certainly would</p> <p>20 have helped in this case tremendously.</p> <p>21 And if you ask Detective Vandegrift</p> <p>22 as a police detective who does investigative</p> <p>23 work, even she would have to agree that it</p> <p>24 certainly would have been -- you know, something</p>	<p style="text-align: right;">Page 68</p> <p>1 MS. GURMANKIN: Terry, do you mind</p> <p>2 reading back my last question. Thanks.</p> <p>3 (The pending question was then read</p> <p>4 back by the reporter.)</p> <p>5 THE WITNESS: That's what I have.</p> <p>6 BY MS. GURMANKIN:</p> <p>7 Q. That's the situation?</p> <p>8 A. That's what I have.</p> <p>9 Q. All right. So given that, how is it</p> <p>10 that you just -- well, let me ask it this way:</p> <p>11 Are you not able to find that</p> <p>12 Detective Vandegrift was more credible than</p> <p>13 Inspector Holmes just based on the fact that</p> <p>14 there wasn't hard evidence that he assaulted</p> <p>15 her, is that why you can't reach that</p> <p>16 conclusion?</p> <p>17 A. I guess so. I mean Detective Vandegrift</p> <p>18 supplied me a phone, which I was hoping to get</p> <p>19 some type of records of, and it turned out to</p> <p>20 be -- I believe it's the wrong phone, because it</p> <p>21 doesn't go back that far, if I'm not mistaken.</p> <p>22 I mean look, evidence is what it is. That's my</p> <p>23 role. I investigate crimes. I produce evidence</p> <p>24 to put people -- charge people with crimes and</p>

<p style="text-align: right;">Page 69</p> <p>1 put them in jail, if necessary. In this case I 2 couldn't find it.</p> <p>3 Q. I just want to make sure I understood 4 your testimony when you said you had to quote 5 your wife. When you have got someone who 6 doesn't have any reason to lie and whose got no 7 credibility and integrity issues and you've got 8 someone who has multiple issues and has every 9 reason to lie, how do you not reach the 10 conclusion that Detective Vandegrift is more 11 credible than Inspector Holmes in that 12 situation?</p> <p>13 A. Because in the position that I am in and 14 the position of your very profession, you can't 15 stake someone's life or life style based on 16 uncorroborative allegations, which is basically 17 what this is. I can't say that Holmes sexually 18 assaulted her for sure. I'm not saying I 19 believe him more than her. I'm saying that in 20 my profession, I'm about as fair as they'll 21 come. I found no evidence against him other 22 than what she said with her own mouth and her 23 own words. That's the evidence I have. And 24 that's not sufficient enough for me to take to</p>	<p style="text-align: right;">Page 71</p> <p>1 Q. Exactly right. 2 A. -- evidence of that. 3 Q. Often people feel ashamed? 4 A. Uh-huh. 5 Q. Is that -- 6 A. Yes. Sorry. 7 Q. That's okay. 8 They also blame themselves? 9 A. There's a range of emotions. 10 Q. They feel that other people will blame 11 them? 12 A. Yes. 13 Q. And all that factors into a lot of 14 people just not coming forward at the time? 15 A. True. 16 Q. Okay. 17 And do you agree that the 18 credibility of the person making the allegation 19 of a sexual assault is not diminished as a 20 result of them not reporting it at the time or 21 not telling anyone at the time? 22 A. Yeah, I agree with that. 23 Q. Okay. 24 The fact that -- and Detective</p>
<p style="text-align: right;">Page 70</p> <p>1 court. I'd have to put it past the DA, who's 2 never going to agree with me.</p> <p>3 Q. All right. So when you're talking about 4 the fact that you couldn't decide or reach a 5 conclusion that Detective Vandegrift was more 6 credible than Inspector Holmes, am I correct 7 that you're saying it's because you just could 8 not find hard evidence that he assaulted her 9 sufficient so that you could take it to the DA 10 and take him to court?</p> <p>11 A. Yeah.</p> <p>12 Q. Okay.</p> <p>13 Now, you testified a couple minutes 14 ago the fact that Detective Vandegrift waited 15 about seven years to report the sexual assault.</p> <p>16 A. Yeah.</p> <p>17 Q. Okay. Now, you agree, you've worked in 18 sex crimes for three-and-a-half years. You 19 agree that often victims of sexual assault don't 20 tell anyone what happened at the time?</p> <p>21 A. Sure.</p> <p>22 Q. Okay.</p> <p>23 A. You can use the Catholic priest debacle 24 as clear --</p>	<p style="text-align: right;">Page 72</p> <p>1 Vandegrift had told you that she had not told 2 anyone of the assault when it happened; correct?</p> <p>3 A. Specifically, yes. She mentioned that 4 there was a lieutenant. What's his name? Tom?</p> <p>5 Q. Thompson?</p> <p>6 A. That she had mentioned it as a matter of 7 fact thing, but did not mention Holmes by name 8 in it.</p> <p>9 Q. Thompson was in regards to the Joe Davis 10 incident. Do you recall that?</p> <p>11 A. Was it Joe Davis or was it Holmes? You 12 are right, it might have been the Davis thing.</p> <p>13 Q. All right. You recall her saying that 14 she hadn't told anyone about the Holmes assault?</p> <p>15 A. Yes.</p> <p>16 Q. All right. And was that a factor in the 17 decision to reach a not sustained finding in 18 regards to that allegation, the fact that she 19 had not --</p> <p>20 A. No.</p> <p>21 Q. -- reported it?</p> <p>22 A. No, not at all.</p> <p>23 Q. Can you go to P-4 for a second. 24 This is your investigative report</p>

	Page 73		Page 75
<p>1 into the allegations you investigated --</p> <p>2 A. Right.</p> <p>3 Q. -- correct?</p> <p>4 A. Okay.</p> <p>5 Q. And if you can go to the conclusion,</p> <p>6 which is on Page 299.</p> <p>7 A. Yes.</p> <p>8 Q. Before we look at that, the fact that</p> <p>9 Detective Vandegrift had waited seven years to</p> <p>10 report the Holmes assault, was that a factor in</p> <p>11 the decision to reach a not sustained</p> <p>12 conclusion?</p> <p>13 A. No.</p> <p>14 Q. Okay. So in the conclusion on Page 299,</p> <p>15 it indicates that the allegation of -- in the</p> <p>16 top line -- the allegation of aggravated sexual</p> <p>17 assault by Chief Inspector Holmes, as alleged by</p> <p>18 Detective Michele Vandegrift, is not sustained.</p> <p>19 And that's a conclusion that you reached as a</p> <p>20 result of your investigation?</p> <p>21 A. Yes.</p> <p>22 Q. And that was approved by your captain?</p> <p>23 A. Captain --</p> <p>24 Q. Was that Vogt?</p>		<p>1 not sustained?</p> <p>2 A. I believe I did, yes.</p> <p>3 Q. And he agreed with your conclusion?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 Now, in the first paragraph under --</p> <p>7 the second paragraph, the second to the last</p> <p>8 sentence, it says, "Detective Michele Vandegrift</p> <p>9 made this allegation during an interview with</p> <p>10 Sergeant Timothy Linneman," and then it gives</p> <p>11 his information, "on 11-11-14, over seven years</p> <p>12 after the alleged assault."</p> <p>13 Have I read that correctly?</p> <p>14 A. Yes.</p> <p>15 Q. All right. And then the next paragraph</p> <p>16 it says, "Detective Vandegrift stated that since</p> <p>17 the alleged assault, she made no mention of the</p> <p>18 specific incident to anyone."</p> <p>19 Have I read that correctly?</p> <p>20 A. Yes.</p> <p>21 Q. All right. So if these were not factors</p> <p>22 that went into the decision to reach a not</p> <p>23 sustained conclusion, why are they in the</p> <p>24 conclusion of the report?</p>	
	Page 74		Page 76
<p>1 A. Charlie Vogt, yeah.</p> <p>2 Q. Okay. Did you speak to Captain Vogt</p> <p>3 about your finding and your conclusion that it</p> <p>4 was not sustained?</p> <p>5 A. Well, yeah. He's my supervisor, yeah.</p> <p>6 He had to approve it. He had to read it.</p> <p>7 Q. All right. So you gave him the report?</p> <p>8 A. Yes, uh-huh.</p> <p>9 Q. Okay. You typed up the report; correct?</p> <p>10 A. Yes.</p> <p>11 Q. Did you also type up the conclusion?</p> <p>12 A. I did type it, yes.</p> <p>13 Q. And did you give that to him?</p> <p>14 A. Yes.</p> <p>15 Q. Captain Vogt?</p> <p>16 A. Yes.</p> <p>17 Q. Did you give him any of the supporting</p> <p>18 documents that you looked at?</p> <p>19 A. Captain Vogt gets the entire package</p> <p>20 that you see.</p> <p>21 Q. Okay. Including the interviews?</p> <p>22 A. Uh-huh, yes.</p> <p>23 Q. Okay. And then did you have a</p> <p>24 conversation about your conclusion that it was</p>		<p>1 A. The fact is, and it says it somewhere in</p> <p>2 here -- are you saying the factor that, her</p> <p>3 decision not to report it is a factor or the</p> <p>4 fact that I have it in here is a factor?</p> <p>5 Q. Well, you and I had talked earlier a few</p> <p>6 minutes ago and you testified that the fact that</p> <p>7 she waited seven years --</p> <p>8 A. Yes.</p> <p>9 Q. -- and the fact that she didn't tell</p> <p>10 anyone that it happened until she came forward</p> <p>11 in 2014 --</p> <p>12 A. Yes, all right, so I'm on the same page</p> <p>13 as you, then.</p> <p>14 Q. Okay.</p> <p>15 A. I understand that.</p> <p>16 Q. Okay.</p> <p>17 A. And the reason I'm saying that --</p> <p>18 Q. Sure.</p> <p>19 A. -- it is not based on her reasons to or</p> <p>20 not to report it after seven years. This is</p> <p>21 simply a fact that after the period of seven</p> <p>22 years, the wells have dried up that there's no</p> <p>23 evidence. There's no witness evidence.</p> <p>24 Q. Okay.</p>	

<p style="text-align: right;">Page 77</p> <p>1 A. There's no phone evidence. It has 2 nothing to do with her decision to report it 3 seven years later. It's a simple fact that 4 since this is a seven-year old allegation, such 5 as the phone records and all have dried up and 6 they stopped publishing them December, I think, 7 of that year, in order to get back that far, 8 that's what this means.</p> <p>9 This has no bearing on her decision 10 to report it seven years ago. This is a simple 11 fact. And that's what these are, facts.</p> <p>12 Q. Okay. And it has no bearing on your 13 conclusion that the allegation was not 14 sustained, the fact that she waited seven 15 years --</p> <p>16 A. No, no.</p> <p>17 Q. -- and she didn't tell anyone?</p> <p>18 A. No.</p> <p>19 Q. That's correct?</p> <p>20 A. It's the result of the seven-year wait.</p> <p>21 That's what this is.</p> <p>22 Q. Right, okay.</p> <p>23 When you questioned Detective 24 Vandegrift, did you tell her something to the</p>	<p style="text-align: right;">Page 79</p> <p>1 A. I believe that's the only other time I 2 had against him -- with jobs against him, yeah.</p> <p>3 Q. Okay. Did you tell Detective Vandegrift 4 when you were interviewing her that some people 5 in the department have carte blanche to act the 6 way that they do, or words to that effect?</p> <p>7 A. I don't recall that.</p> <p>8 Q. Okay. It's possible, though? You just 9 don't recall?</p> <p>10 A. I don't recall it.</p> <p>11 Q. Okay. Do you think that's the case, or 12 do you feel that way, that some people in the 13 department do have carte blanche to act the way 14 that they want?</p> <p>15 A. I'm not real sure what you mean by that, 16 but.</p> <p>17 Q. Well, in terms of, for example --</p> <p>18 A. What type of carte blanche would an 19 officer have?</p> <p>20 Q. To act the way that they want with 21 regard to female employees, for example, that 22 some people can get away with saying or doing 23 whatever they want in terms of --</p> <p>24 A. No, no. I don't believe that. No.</p>
<p style="text-align: right;">Page 78</p> <p>1 effect of that you had investigated previous 2 allegations of sexual misconduct against Holmes 3 and you had run into a brick wall, or something 4 to that effect?</p> <p>5 A. I may have during our conversation 6 mentioned that I had had previous allegations 7 against him, yeah.</p> <p>8 Q. Okay. And did you feel that you had run 9 into a brick wall previously regarding sexual 10 allegations against Holmes?</p> <p>11 A. Well, there were -- yeah. I mean 12 obviously, as I said, or tried to explain 13 earlier, that the three potential eyewitnesses 14 to this all denied it. And the actual person 15 that supposedly had sat on his lap also denied 16 it. That would be a rather -- I guess that 17 would be a brick wall.</p> <p>18 Now, whether it happened or not and 19 they are lying, it's certainly a possibility.</p> <p>20 Q. And that's, you're talking about your 21 2012 investigation?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Was that the only other time that 24 you had investigated allegations against Holmes?</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. Okay.</p> <p>2 Do you recall telling Detective 3 Vandegrift that there had been a lot of sexual 4 allegations against higher ups in the department 5 and they get swept under the rug and that you 6 don't like that, or words to that effect?</p> <p>7 A. I don't recall that either. I'm sorry.</p> <p>8 Q. Okay. Do you feel that way?</p> <p>9 A. Are there -- I mean I think some 10 investigations aren't done with the best 11 possible outcome involved, for, you know, 12 whatever reason. The inability of an 13 investigator or newness of an investigator, a 14 supervisor. They do a less than stellar 15 investigation. But as a whole, no. I believe 16 in this day and age we have a lot of checks and 17 balances in place to make the workplace an 18 environment that somebody is comfortable working 19 at.</p> <p>20 Q. And just so we're clear, when you say 21 you don't recall whether you made those 22 statements to Detective Vandegrift, you're not 23 denying that you made them, you just don't 24 remember one way or the other; correct?</p>

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<p>1 A. Look, I just don't remember that. I 2 mean -- 3 Q. Okay. 4 All right, if we can go to Page 293, 5 the first page of your report. 6 Now, at the time that you're 7 conducting this investigation, you are three 8 levels below Holmes; is that correct? 9 A. Chief inspector, staff inspector, 10 captain. I guess that would be three or four, 11 depending on how you do the math. 12 Q. Okay. 13 Did that concern you at all, that 14 you're conducting an investigation into someone 15 who's multiple levels above you in rank? 16 A. No, no. I've had other high profile 17 cases against upper supervision. 18 Q. Okay. 19 A. Haven't had a problem. 20 Q. Have you had any other investigations 21 that you've conducted into allegations of sexual 22 misconduct against female employees? 23 A. Man, you have to give me a couple 24 minutes to think about that.</p>	<p>1 (Recess.) 2 VIDEO SPECIALIST: The time is 11:35 3 a.m. Back on the record. 4 BY MS. GURMANKIN: 5 Q. All right, so back to P-4, your 6 investigative report. If you go to the second 7 page, 292. 8 The one Bates stamped 292. It is 9 the list of -- 10 A. Oh. Index. 11 Q. Yes, there we go. 12 The interviews, these are all the 13 people that you interviewed for your 14 investigation; correct? 15 A. Yes. 16 Q. All right. And then these are a list of 17 documents that you reviewed? 18 A. Yes. 19 Q. Are there any documents you reviewed 20 that are not listed here? 21 A. I don't remember. 22 Q. Okay. The IAD history, who was that 23 for? 24 A. Are you asking me --</p>	
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<p>1 Q. Sure. Take your time. 2 A. I'm trying to think, to the best of my 3 recollection, most of the jobs or investigation 4 I have had have been a police officer on a 5 civilian. Nothing comes to mind right now. 6 Q. Okay. 7 A. Other than that scenario, an officer on 8 a civilian or wife, or something like that, 9 yeah. 10 Q. Right. But other than the 2012 11 investigation involving Holmes and Detective 12 Vandegrift's allegations, no other 13 investigations you recall about male members of 14 the department engaging in sexual misconduct 15 towards female employees? 16 A. I'd have to look to be completely 17 certain, but nothing comes to mind right now. 18 Q. Okay. 19 MS. GURMANKIN: All right, we have 20 been going about an hour and a half. Why don't 21 we take a quick break. 22 THE WITNESS: Okay. 23 VIDEO SPECIALIST: The time 11:25 24 a.m. Off the record.</p>	<p>1 Q. Yes. 2 A. -- or her? 3 Q. No. You. 4 A. I'm sorry. 5 The IAD history is both of them, 6 isn't it? I believe I submitted both -- well, 7 actually, I submitted Detective Vandegrift's, 8 Chief Holmes, and -- 9 Q. Joe Davis? 10 A. -- Officer Davis', yes. 11 Q. What is the NCR report of Vandegrift? 12 A. That's his national comprehensive 13 report. 14 Q. What is that? 15 A. That is a -- I'm sorry, my stomach is 16 growling. 17 That's a run that I did to see phone 18 numbers. Usually they'll give us a phone number 19 of the person and/or some other contacts that 20 they may have on various different -- sometimes 21 it will give you a Facebook friend thing, or you 22 never know what you get out of it sometimes. 23 Mainly where she lives. I was 24 really looking for phone numbers on this. See</p>	

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<p>1 if her phone number had changed from the time. 2 It does give you a pretty comprehensive, it 3 gives her address. It gives her mortgage. I 4 think that's about it, really. Relatives or 5 friends, I think, if they are in there, and what 6 relation they are to them.</p> <p>7 Q. Okay. Do you agree that you not knowing 8 about Police Officer Hayburn's allegations 9 against Holmes and you looking at Detective 10 Vandegrift's complaints without having that 11 information, that that permits a sexual harasser 12 to keep engaging in that type of conduct? In 13 other words, that looking at these allegations 14 in isolation without looking at all of the 15 information that's relevant allows people like 16 Holmes to keep engaging in the type of conduct 17 that he engages in towards women on the force?</p> <p>18 A. No, I don't agree with that.</p> <p>19 Q. Why not?</p> <p>20 A. My criminal allegation is very specific. 21 I'm looking for specific evidence, documentary 22 witnesses, to her allegation and crime. The 23 fact that he did or didn't do or wasn't -- or 24 alleged or was to have alleged to have done some</p>	<p>1 to have? Sure, it is. 2 Q. Why is it good information to have in 3 your capacity as an IAD investigator? 4 A. I mean it's just good to know everything 5 about everybody, I mean. 6 Q. Including that there is an allegation 7 that he also inserted his fingers into another 8 female employee's vagina? Yes? 9 A. It would be good to know that, sure. 10 Q. That's something that you would have 11 wanted to question him about if you had known 12 about it? 13 A. No, ma'am. Again, my job was to 14 investigate the allegations by Detective Michele 15 Vandegrift. 16 Q. No, I understand. But if you -- 17 A. And the fact that he would answer a 18 question from another female witness, again, 19 would have no evidentiary value in my 20 investigation of Michele Vandegrift's 21 allegations. I couldn't use that against him to 22 say, Hey, I've now supported her allegations. 23 He admitted that he stuck his fingers in another 24 girl five years ago; guilty. It doesn't happen</p>
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<p>1 thing in the past versus another person really 2 has no value in, one, our administrative 3 hearing, or two, the criminal justice system. I 4 can't go to a judge with an arrest warrant and 5 say, Detective Vandegrift alleged he did this 6 and here's my proof, five years ago another 7 woman said he sexually assaulted her. 8 I mean that's just the way our 9 criminal justice system works. I must produce 10 probable cause sufficient enough to justify an 11 arrest.</p> <p>12 Q. All right.</p> <p>13 A. And the fact that he had been alleged to 14 have sexually assaulted someone a year or two 15 years or ten years prior that may have been 16 settled as even unfounded, I think you said --</p> <p>17 Q. Not sustained?</p> <p>18 A. -- or was not sustained. Again, that 19 has no evidentiary value in the criminal justice 20 system that I work in. You being a lawyer must 21 know that for sure because you, if you were the 22 lawyer assigned to the chief, you would have it 23 dismissed in a heartbeat. There's no 24 evidentiary value of it. Is it good information</p>	<p>1 that way. Can't use it. 2 Q. All right. So are you saying, just to 3 make sure I understand you, that had you known 4 about Police Officer Hayburn's allegations, that 5 you would not have asked Holmes about them when 6 you questioned him? 7 A. Probably not. 8 Q. All right. But you did ask him about 9 other allegations that had been made by women 10 against him when you interviewed him, didn't 11 you? 12 A. I think generally, yeah. 13 Q. Okay. So go to Page 332. 14 So actually, just so we are clear, 15 that's the end of the interview. It starts on 16 327. Do you want to take a look at 327? 17 A. Oh, I'm sorry. Okay. 18 Q. All right, so 327 is the start of your 19 interview with Holmes; right? 20 A. Right, uh-huh. 21 Q. And then if you go back to 332. And at 22 the top of the page, you ask him, "Why do you 23 think you have been the subject of such similar 24 allegations involving women during your career?"</p>

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<p>1 Have I read that correctly?</p> <p>2 A. Yes, uh-huh.</p> <p>3 Q. So why are you asking him about</p> <p>4 allegations that he's engaged in similar conduct</p> <p>5 towards women?</p> <p>6 A. I guess it was just the flow of the</p> <p>7 investigation, or the interview, that I felt the</p> <p>8 need to ask him. I mean in this particular</p> <p>9 format, I can ask anything I'd like.</p> <p>10 Q. Right. So if you had known about</p> <p>11 Hayburn's allegations, given that you asked him</p> <p>12 about the fact that similar allegations had been</p> <p>13 made, wouldn't you have asked him specifically</p> <p>14 about hers?</p> <p>15 A. Not necessarily, no.</p> <p>16 Q. You might have?</p> <p>17 A. Again, as I answered the previous</p> <p>18 question, during the interview, you get some bit</p> <p>19 of a flow. Had the circumstance presented</p> <p>20 itself that maybe I was interested to see just</p> <p>21 simply what his answer was, I may have answered</p> <p>22 it.</p> <p>23 Q. Okay.</p> <p>24 A. I can't say that I should have or would</p>	<p>1 whom I have had no contact with for years."</p> <p>2 Have I read that correctly?</p> <p>3 A. Yes.</p> <p>4 Q. Did you know what he was talking about?</p> <p>5 A. Is that the -- I believe I told you</p> <p>6 before, I think, wasn't he found guilty of</p> <p>7 having sex in a car?</p> <p>8 Q. He was.</p> <p>9 A. Yeah, I believe that that's what that</p> <p>10 meant.</p> <p>11 Q. That's what you believed at the time he</p> <p>12 said it?</p> <p>13 A. Yes.</p> <p>14 Q. Did you ask him to confirm that that's</p> <p>15 what he meant --</p> <p>16 A. No.</p> <p>17 Q. -- when he referred to what happened to</p> <p>18 me in 2008?</p> <p>19 A. No. Because that was the recollection I</p> <p>20 had at the time.</p> <p>21 Q. Okay. Did you ask him just to make sure</p> <p>22 that you were correct and that there was nothing</p> <p>23 else that happened in 2008?</p> <p>24 A. No, I did not.</p>
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<p>1 have. I'm just saying it depends on -- and in</p> <p>2 this case I asked that.</p> <p>3 Q. Okay.</p> <p>4 A. Because it kind of was strange that you</p> <p>5 know, he's the brunt several different</p> <p>6 allegations over the course of his career, and</p> <p>7 it's upsetting. And enough to say, hey, why do</p> <p>8 you think people keep doing that to you or keep</p> <p>9 making these allegations against you? That's</p> <p>10 all.</p> <p>11 Q. When you say that was upsetting, who was</p> <p>12 it upsetting to?</p> <p>13 A. It's upsetting to me as a man. And it's</p> <p>14 upsetting to me as a police lieutenant, who I</p> <p>15 think I've had somewhat of a stellar career. I</p> <p>16 just don't think it's the way that -- you know,</p> <p>17 somebody of -- I don't know why they have so</p> <p>18 many allegations against him. I don't. If they</p> <p>19 are true, then he doesn't belong in the job. If</p> <p>20 they are not, then there's nothing I can do</p> <p>21 about it.</p> <p>22 Q. And he responds, "Basically because of</p> <p>23 what happened to me in 2008, I have become easy</p> <p>24 fodder, I believe, especially for people with</p>	<p>1 That's what I assumed at the time.</p> <p>2 Q. Okay.</p> <p>3 Detective Newbert, as of the time</p> <p>4 that you interview him, he's, what, about six</p> <p>5 levels below Holmes at this time, if you're</p> <p>6 three to four?</p> <p>7 A. He's a police detective.</p> <p>8 Q. Okay. So more levels below than you</p> <p>9 are, is that fair?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 A. And he denied seeing Detective</p> <p>13 Vandegrift when she came out of Inspector</p> <p>14 Holmes' office; correct?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Do you agree that it's possible</p> <p>17 that someone in Detective Newbert's position</p> <p>18 would be -- might be hesitant about saying</p> <p>19 something that he thought could get Chief</p> <p>20 Inspector Holmes in trouble or put him in a bad</p> <p>21 position?</p> <p>22 A. I believe that when I read a police</p> <p>23 detective his Garrity warnings, which state that</p> <p>24 they have to cooperate and that they can't lie</p>

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<p>1 or they face disciplinary action, that they're 2 going to tell me the truth.</p> <p>3 Q. All right. But you agree that there 4 are, unfortunately, police officers who lie; 5 right?</p> <p>6 A. There have been officers that I've 7 myself cited for lying, yes.</p> <p>8 Q. Okay.</p> <p>9 So do you agree that it's possible 10 that someone in Newbert's position might be 11 hesitant about saying something that he believed 12 could implicate a chief inspector?</p> <p>13 A. Look, I don't know Detective Newbert. I 14 don't socialize with him. I don't work with 15 him. He doesn't work for me. I have no idea 16 what his character is or isn't. I read him his 17 Garrity warnings, and I have no other reason to 18 believe that he didn't tell me the truth.</p> <p>19 Q. I'm just asking. Do you agree that's a 20 possibility?</p> <p>21 A. Look, it's a possibility that everybody 22 interviewed lied.</p> <p>23 Q. Okay. Including Holmes?</p> <p>24 A. I'll say it exactly the way I just said</p>		<p>1 A. I believe she was assigned as his aide. 2 Q. Right. 3 A. Yes. 4 Q. And she had been directly assigned as 5 his aide for the past 12 years, she told you? 6 A. Yes. 7 Q. Okay. Do you agree that Holmes had 8 authority over her employment? In other words, 9 if he wanted to get her reassigned, he could get 10 her reassigned? 11 A. Yes. 12 Q. Okay. Do you think that it was a 13 possibility that that was in the back of her 14 mind when she's being interviewed by an IAD 15 investigator about her boss? 16 A. I really can't testify as to what was in 17 her mind or the back of her mind when she gave 18 me her statement. 19 Q. I'm just asking do you think that -- do 20 you agree that that was a possibility, that 21 she's thinking in the back of her mind, you 22 know, I'm being interviewed by an internal 23 affairs investigator about my boss, chief 24 inspector, who has authority or power over my</p>	
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<p>1 it. It's a possibility that everybody I 2 interviewed lied. That's what I'm saying. 3 That's my answer.</p> <p>4 Q. Okay.</p> <p>5 A. Very specific about that.</p> <p>6 Q. Okay.</p> <p>7 You interviewed Jacqueline Geiger; 8 correct?</p> <p>9 A. Yes.</p> <p>10 Q. All right. And at the time that you 11 interviewed her, she held the rank of police 12 officer; correct?</p> <p>13 A. Yes.</p> <p>14 Q. Which was, we're talking even more 15 levels below Holmes than Newbert was; right?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 She's at the lowest rank; is that 19 correct?</p> <p>20 A. She's a police officer.</p> <p>21 Q. Lowest rank in the department?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And she directly reported to 24 Holmes?</p>		<p>1 employment? 2 A. Look, I guess anybody can think anything 3 they want to think. 4 Q. Did you consider that when you 5 interviewed her? 6 A. It's certainly a possibility. 7 Q. All right, now, Detective Vandegrift had 8 told you that the assault had happened on last 9 out, right, when she was on overnight shift? 10 A. Yes. Some time in March of '07, yes. 11 Q. Okay. And what was the purpose of you 12 interviewing Geiger? 13 A. I had begun to think -- and I'm not sure 14 when I actually interviewed her. Was she last 15 to be interviewed? I believe. I'm not really 16 sure. I began to think of who else may have 17 been present at that particular time. I figured 18 if the chief was working, then his aide would be 19 working alongside. That's pretty much it. 20 Q. Okay. Any other reason why you would 21 have interviewed Geiger? 22 A. No. 23 Q. All right. 24 And Geiger told you during the</p>	

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<p>1 course of her interview that she saw Detective 2 Vandegrift flirting with several males in the 3 24th district. Do you recall that? 4 A. She did say that, yes. 5 Q. Okay. And that's something that you had 6 included in your summary, if you look at 7 Page 296? 8 A. Yes, uh-huh. It's a summary of Geiger's 9 statement to me, yes.</p> <p>10 Q. Geiger's comments that Detective 11 Vandegrift flirted with several males in the 12 24th district, do you agree that that falls into 13 the realm of the blame-the-victim mentality? 14 A. When you look at the statement Geiger 15 made, it's her observation of Detective 16 Vandegrift's involvement or interaction with 17 other officers. 18 Q. Did you think it was at all relevant to 19 Detective Vandegrift's allegations that Holmes 20 sexually assaulted her? 21 A. I'm required to summarize the 22 interviews. That's what she said. That's what 23 she answered. 24 Q. I understand. My question is, did you</p>	<p>1 A. Not at all, ma'am. 2 Q. Okay. 3 Were you kind of offended that when 4 Geiger's being questioned into allegations that 5 Holmes sexually assaulted Detective Vandegrift 6 that she's mentioning that Detective Vandegrift 7 flirts with several males? 8 A. I'm sorry, did I find it what? 9 Q. Offensive that she's even mentioning 10 that? 11 A. No, I wouldn't say offensive. I just 12 thought it was interesting. 13 Q. I mean do you consider it along the 14 lines of, you know, blaming a rape victim who 15 wears a short skirt? 16 A. No, I don't. 17 Q. Why did you include it in your summary? 18 A. Because I'm required to summarize their 19 statements. 20 Q. Right. But you're not required to 21 include everything -- I mean are you required to 22 say everything they say in their interviews? 23 A. No. Just the gist of it. And I think 24 it tells you where she's coming from.</p>
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<p>1 think it was at all relevant to Detective 2 Vandegrift's allegations that Holmes sexually 3 assaulted her? 4 A. I'm going to put it in the category I 5 thought it was interesting for her to have said. 6 Q. Why did you think it was interesting? 7 A. You're going to love this answer. 8 Because I think female officers can be awfully 9 catty towards each other. I've seen it, I hear 10 it, and I know you know it. 11 Q. Is that what you think -- 12 A. That's just how female -- if it sounds 13 very sexist or racist, it's not. It is just an 14 observation of interviewing hundreds of female 15 officers over the course of the time. Sometimes 16 they can be awfully catty. They don't like this 17 one for that. They don't like this one for 18 this. No offense. I'm sorry. But it's just 19 what I see. 20 Q. Did you consider it as part of your 21 conclusion that the allegation was not 22 sustained, the fact that Geiger said that she 23 saw Detective Vandegrift flirting with several 24 males?</p>	<p>1 Q. Okay. 2 Did you -- 3 A. And I think that's the point. 4 Q. Okay. 5 Did you think that where she was 6 coming from was trying to protect her boss and 7 cast Detective Vandegrift in a bad light? 8 A. I really can't say. To me it sounded as 9 if she didn't like -- I mean I shouldn't say 10 didn't like. I guess that was her opinion of 11 Detective Vandegrift. That was it, and that's 12 why I put it in there. 13 Q. Okay. You didn't draw any conclusions 14 from that? 15 A. No. 16 Q. Other than I guess supporting your 17 conclusion that females can be catty sometimes 18 towards each other? 19 A. I'm just saying. 20 Q. Okay. 21 Did you ask Geiger whether she and 22 Detective Vandegrift actually worked the same 23 shift? In other words, when she would have seen 24 Detective Vandegrift flirt?</p>

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<p>1 A. I don't believe I followed up on that 2 particular area.</p> <p>3 Q. Okay. It wasn't worthwhile?</p> <p>4 A. No.</p> <p>5 Q. Okay.</p> <p>6 A. And the reason being is what I've said 7 earlier, that Officer Geiger is Chief Holmes' 8 aide. And usually if the chief is in, the aide 9 is in. So she would be nearest to the chief --</p> <p>10 Q. Okay.</p> <p>11 A. -- most of the time whenever he worked.</p> <p>12 Q. And she actually, Geiger had said that 13 she was rarely in around midnight unless --</p> <p>14 A. Yeah.</p> <p>15 Q. -- it was for like a special event?</p> <p>16 A. Yes.</p> <p>17 Q. Now, I know that you didn't know about 18 the Hayburn, Christa Hayburn's allegations 19 against Holmes, but Holmes testified at his 20 deposition earlier this week that he thinks that 21 a male lieutenant got Police Officer Hayburn 22 involved in a criminal conspiracy to make up 23 these allegations against Holmes so that the 24 male lieutenant could get back at him.</p>	<p>1 you to doubt Holmes' credibility at all?</p> <p>2 A. No, not really.</p> <p>3 Q. Does it sound incredible to you?</p> <p>4 A. I guess if you have worked the police 5 department or as a police officer for 30 years, 6 you've heard just about everything, everything 7 reason, every excuse. Nothing really shocks me 8 any more.</p> <p>9 Q. I know it doesn't shock you, but do you 10 find it incredible?</p> <p>11 A. I really can't say. I have no idea.</p> <p>12 Q. Holmes, if you go to the transcript of 13 his interview, back to 332.</p> <p>14 Before we look at that, in regards 15 to the Theresa Brooks allegations, did you ever 16 reach a conclusion that the women who made these 17 allegations were motivated by race?</p> <p>18 A. No, I didn't reach that conclusion. I 19 just reached the conclusion that the allegation 20 was unfounded.</p> <p>21 Q. Okay.</p> <p>22 So if we look at 332, in the 23 statement that Holmes makes in the last Q&A.</p> <p>24 A. Yes.</p>
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<p>1 When you hear that, does that sound 2 incredible to you?</p> <p>3 A. It certainly sounds incredible.</p> <p>4 Q. Okay. And does Holmes' explanation 5 cause you to doubt Holmes' credibility at all?</p> <p>6 A. Holmes' explanation of what?</p> <p>7 Q. As to why --</p> <p>8 A. The story you just said or --</p> <p>9 Q. Yeah. As to why police -- that was his 10 explanation for why Police Officer Hayburn made 11 up these horrifying allegations against him.</p> <p>12 A. Look, I don't really know anything about 13 the job. I'm really not going to draw a 14 conclusion for something I don't know about.</p> <p>15 Q. Okay.</p> <p>16 Holmes also testified that in 17 regards to Theresa Brooks' allegations, the job 18 that you investigated in 2012, that he thinks 19 that there is a racial motivation to Brooks' 20 allegations because Holmes is married to a white 21 woman and that this is backlash from African 22 American female employees making up these 23 allegations.</p> <p>24 When you hear that, does that cause</p>	<p>1 Q. So -- well, actually, I'm sorry. Sorry. 2 If you go back to 331. Second 3 question: "Would you have any idea why Michele 4 Lauf Vandegrift would allege you called her 5 repeatedly to speak with her about the sexual 6 things you wanted to do to her?" 7 And then there was a break taken. 8 Do you recall why that was? 9 A. Don't have a time on there. I don't, 10 no. I was going to look at the time it started. 11 But there's usually -- I usually put a time on 12 there of beginning, but there's not one on 13 there, so I can't say it's that. 14 I don't know. 15 Q. Okay. All right, and then when he 16 returns from the break, his answer is, "I did 17 not do that. Secondly, if the question is why 18 she would allege this, I believe this is two 19 fold: One, I think she's looking for some kind 20 of litigation against the department or city. 21 Two, I am a visible target who has had 22 unfavorable press and had very public 23 disciplinary action taken against me in 2008. I 24 was passed over for chief and demoted."</p>

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<p>1 Have I read that correctly?</p> <p>2 A. Yes.</p> <p>3 Q. All right, and when you heard his</p> <p>4 explanation as to why Detective Vandegrift would</p> <p>5 make these allegations against him, did that --</p> <p>6 did you find that to be incredible, that she's</p> <p>7 looking for some kind of litigation against the</p> <p>8 department or city?</p> <p>9 A. No. I guess in hindsight it is very</p> <p>10 factual. We are in litigation currently, which</p> <p>11 is the reason I'm here. He was a visible</p> <p>12 target. He did get unfavorable press. He did</p> <p>13 suffer disciplinary action. And he was passed</p> <p>14 over. It is all just a very factual statement.</p> <p>15 Obviously the litigation hadn't taken place yet,</p> <p>16 but, look, he's allowed to answer whatever he</p> <p>17 wants to answer to my questions.</p> <p>18 Q. Yeah. My question is did you find it</p> <p>19 incredible, his excuse as to why this third or</p> <p>20 fourth woman now would allegedly make up these</p> <p>21 awful allegations against him?</p> <p>22 A. I don't have an opinion on it.</p> <p>23 Q. All right. And did you ever believe at</p> <p>24 the time that you're conducting this</p>	<p>1 whatever, based on what he did. And that's what</p> <p>2 I feel bad about. I haven't come to a</p> <p>3 conclusion on her at all.</p> <p>4 Q. So I want to make sure I ask the</p> <p>5 question in a certain way. I want to make sure</p> <p>6 it is clear on the record.</p> <p>7 Am I correct that you never</p> <p>8 attributed any improper motive to Detective</p> <p>9 Vandegrift in coming forward with this</p> <p>10 allegation; is that correct?</p> <p>11 A. I'm still having trouble understanding</p> <p>12 that. I'm sorry.</p> <p>13 Q. Sure.</p> <p>14 A. Any improper motive on her part? Do I</p> <p>15 believe she had an improper motive?</p> <p>16 Q. Yeah, yeah.</p> <p>17 A. No.</p> <p>18 Q. Okay.</p> <p>19 A. Do I believe some of my complainants</p> <p>20 have motives that they are technically going to</p> <p>21 sue? Sure. I have to prepare for that when I</p> <p>22 interview people, that that's a possibility that</p> <p>23 since we are, you know, a major city police</p> <p>24 department that ultimately -- and I base that on</p>
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<p>1 investigation that Detective Vandegrift was</p> <p>2 doing this because she was looking for some kind</p> <p>3 of litigation?</p> <p>4 A. Did I believe that that was her purpose,</p> <p>5 is that what you're asking me?</p> <p>6 Q. Yeah. That that was her motive?</p> <p>7 A. I don't believe that was her motive, no.</p> <p>8 Q. All right, did you ever reach that</p> <p>9 conclusion about Detective Vandegrift?</p> <p>10 A. I'm going to have to say I just treated</p> <p>11 her as a victim, as I would have treated any</p> <p>12 other victim of an alleged crime.</p> <p>13 Q. Okay. Am I correct that you never</p> <p>14 attributed an improper motive to her in coming</p> <p>15 forward with this complaint?</p> <p>16 A. I would have to say no, I don't --</p> <p>17 listen, if I could prove something -- I'm not</p> <p>18 saying she's not truthful. I'm not saying I</p> <p>19 don't believe her or I'm not saying I do believe</p> <p>20 her. I feel bad for her, obviously, that she</p> <p>21 was the victim of this crime if this did occur.</p> <p>22 I was unable to produce any other remedy to have</p> <p>23 her come to some type of conclusion, whether he</p> <p>24 was fired or he was charged with a crime</p>	<p>1 experience, and I can say, hey, this is my</p> <p>2 reason, I believe that, that somehow could this</p> <p>3 end up in civil litigation? Sure. Every</p> <p>4 complaint that I've ever handled could possibly</p> <p>5 end up in civil litigation.</p> <p>6 Q. Sure.</p> <p>7 A. It's not a negative. It's just the way</p> <p>8 it is.</p> <p>9 Q. Right.</p> <p>10 All right, now, what I just went</p> <p>11 through with you is Holmes coming up with three</p> <p>12 stories as to why these allegations by women in</p> <p>13 the department of sexually inappropriate conduct</p> <p>14 are not true.</p> <p>15 Does that make you -- when you hear</p> <p>16 it all together, does that make you question</p> <p>17 this guy's credibility?</p> <p>18 A. I mean I don't know whether I question</p> <p>19 his credibility or not, to be honest with you.</p> <p>20 I guess I have to question why he</p> <p>21 gets these types of allegations.</p> <p>22 Q. Is it true, Lieutenant Saggese, that you</p> <p>23 can't really question this guy's credibility</p> <p>24 knowing what you know and based on your</p>

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<p>1 interactions with him, that you have no basis to 2 question his credibility? 3 A. Pardon?</p> <p>4 Q. Don't you agree that there is a basis to 5 question Holmes' credibility based on what you 6 have seen, your interactions with him, what you 7 know about these similar allegations from 8 multiple female employees?</p> <p>9 A. I don't know whether it is a credibility 10 issue, but I mean I have to wonder what is going 11 on, sure. Is that me questioning his 12 credibility or is that me questioning his 13 ability to be a police supervisor, his ability 14 to be a contributing member to society, a member 15 of the male race? I mean is that credibility? 16 I just have to wonder why he gets all these 17 allegations against him.</p> <p>18 Q. All right. I apologize if I asked you 19 this, but did you have a conversation with 20 Captain Vogt after you gave him the report and 21 the supporting documentation?</p> <p>22 A. I think we discussed the job, yes.</p> <p>23 Q. Okay. Do you recall any particular 24 questions that he had?</p>	<p>1 Q. Okay. 2 Now, at the time that you 3 investigated Detective Vandegrift's complaints, 4 other than this 2012 investigation involving 5 Holmes, had you met him or interacted with him 6 previously?</p> <p>7 A. Yes. I mean I've met him several times 8 over the years. One was at -- are you going to 9 ask me specifics? I'll wait for you to ask, 10 then.</p> <p>11 Q. My next question is, when did you meet 12 him or what was the context?</p> <p>13 A. It's strictly on the job walking into a 14 building that he may be in charge of 15 supervising, handling. He was down in the 16 arsenal complex for a while, if I'm not 17 mistaken. I don't remember what rank he was. I 18 think he was probably still a chief. I think 19 two of his subordinate officers had gotten into 20 a fist fight in the office, and he was working, 21 so I had to interview him on that and talk to 22 him on that. I remember him being there. We 23 actually conducted a crime scene investigation 24 on the whole office over the fight. That was</p>
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<p>1 A. I believe we discussed, and I'm not 2 completely familiar or I don't have a complete 3 recollection of my interaction, the question of 4 trying -- wonder what direction I can go next. 5 I guess we brought forth do I 6 interview Detective Vandegrift's husband. You 7 know, who else could we possibly interview to 8 gain evidence. I mean we nixed the idea of 9 interviewing her husband because she probably 10 told him. And again, it wouldn't be an 11 evidentiary witness in order to sway this job 12 one way from not sustained to sustained. So we 13 kind of nixed that. I didn't want to really 14 cause any more problems for her in her marital 15 relationship, because I'm quite sure, as a 16 husband, I would be furious about it. And I 17 knew he knew about it, because she said so. I 18 didn't see the value of that. So I guess we 19 discussed what else we could possibly do.</p> <p>20 Q. Do you remember anything that was 21 discussed in particular?</p> <p>22 A. That was the end of it. I mean we 23 really couldn't come up with anything else that 24 we could do.</p>	<p>1 the one time that I met him. 2 Probably over the course of the 3 years I've met him, said hello here and there 4 investigating one of his subordinates. 5 Nothing, no social interaction, no 6 family. He doesn't have my number. I don't 7 have his. Nothing like that.</p> <p>8 Q. All right. Just prior to the 2012 9 allegations, did you ever have enough 10 interaction with him to form any type of opinion 11 about his professionalism or competency as a 12 member of the police department, or anything 13 like that?</p> <p>14 A. No.</p> <p>15 Q. Okay. Now, you testified that aside 16 from investigating Holmes, you've also 17 investigated other people who are higher, who 18 have higher ranks than you; correct?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Do you know if anything is done 21 by IAD to alleviate any possible concerns on the 22 part of investigators that they're investigating 23 people who are in ranks higher than they are?</p> <p>24 A. In most cases, for instance, Chief</p>

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<p>1 Holmes was interviewed by me.</p> <p>2 They can request another chief be</p> <p>3 present, or somebody of similar rank or higher</p> <p>4 rank be present.</p> <p>5 But I don't believe we had anybody</p> <p>6 present for the chief's interview other than the</p> <p>7 chief and his attorney.</p> <p>8 Q. You mean the investigators can request</p> <p>9 that someone --</p> <p>10 A. Yes.</p> <p>11 Q. -- at a higher rank?</p> <p>12 A. Just in case the chief gives us trouble.</p> <p>13 I am only a lieutenant, I can't order him --</p> <p>14 technically I am ordering him through his</p> <p>15 Garrity warnings, but just as a -- I don't know</p> <p>16 what you want to call it -- a tradition or, you</p> <p>17 know -- whatever you want to call it --</p> <p>18 kindness, they say, well, do you want somebody</p> <p>19 with similar rank just in case something happens</p> <p>20 during the interview where the chief has to say,</p> <p>21 hey, chief, you have to do that or you have to</p> <p>22 answer the question.</p> <p>23 Q. Okay. Anything else that you're aware</p> <p>24 of that's done by IAD to alleviate any concerns</p>	<p>1 Q. Okay. And you also reviewed the EEOC</p> <p>2 charge that she filed?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Did you know any of the</p> <p>5 individuals that she was accusing of sexual</p> <p>6 harassment or sex discrimination that she named</p> <p>7 in the interviews or the EEOC charge?</p> <p>8 A. Without specific individuals' names</p> <p>9 right now, I don't have any recollection, no.</p> <p>10 Q. All right. If you go back to P-4, we</p> <p>11 can take a look.</p> <p>12 So --</p> <p>13 A. Where am I going?</p> <p>14 Q. P-4. So the EEOC charge is on Page 334.</p> <p>15 A. 334. Do you want me to tell you which</p> <p>16 ones I know or don't know, because --</p> <p>17 Q. Yes. If you can just take a look</p> <p>18 through.</p> <p>19 A. I mean I don't really know any of the</p> <p>20 men or officers, I should say, on the first page</p> <p>21 here. I've heard of them, but I can't really</p> <p>22 say that I know them.</p> <p>23 Q. Other than hearing that they are members</p> <p>24 of the department --</p>
Page 114	Page 116
<p>1 on the part of investigators that they're</p> <p>2 investigating people who are of a higher rank</p> <p>3 than they are?</p> <p>4 A. Didn't you just ask that?</p> <p>5 Q. Yeah. I'm asking if there is anything</p> <p>6 else that's done.</p> <p>7 A. Oh.</p> <p>8 Q. -- other than the possibility of</p> <p>9 inviting people of a higher rank?</p> <p>10 A. No, not that I know of.</p> <p>11 Q. Okay.</p> <p>12 At the time that you investigated</p> <p>13 Detective Vandegrift's complaints, had you ever</p> <p>14 met Joe Davis, Officer Davis?</p> <p>15 A. I don't believe so, no.</p> <p>16 Q. Okay.</p> <p>17 Now, you knew that Detective</p> <p>18 Vandegrift had also brought other complaints</p> <p>19 other than the exposure and the sexual assault;</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And you had read her interviews</p> <p>23 with Lieutenant Linneman?</p> <p>24 A. Yes.</p>	<p>1 A. Yes.</p> <p>2 Q. -- did you hear anything else?</p> <p>3 A. Oh, Anthony Washington. I mean</p> <p>4 obviously he was the one that was in the</p> <p>5 Philly.com.</p> <p>6 Q. Uh-huh.</p> <p>7 A. And again, I've not really socialized or</p> <p>8 met any one of these detectives or captains or</p> <p>9 lieutenants off duty or socially in any manner,</p> <p>10 no.</p> <p>11 Q. How about the rest?</p> <p>12 A. Are there more throughout the pages?</p> <p>13 Q. Yes.</p> <p>14 A. Or just on here?</p> <p>15 Q. Yes.</p> <p>16 A. Inspector Larry Nodiff was my inspector</p> <p>17 for a couple of years in internal affairs.</p> <p>18 That would be it.</p> <p>19 Q. Was there anything done that you're</p> <p>20 aware of to ensure that there wasn't any</p> <p>21 potential bias on your part when you were</p> <p>22 assigned this investigation?</p> <p>23 A. As opposed to what? What do you mean?</p> <p>24 Q. Well, are you aware of anything that</p>

<p>1 internal affairs -- I'll ask generally. Are you 2 aware of anything that internal affairs does to 3 ensure that the investigators don't have any 4 bias when they're assigned complaints to 5 investigate?</p> <p>6 A. Well, as an investigator, if there is 7 somebody I'm familiar with that I get an 8 investigation and they're mentioned, I can -- 9 I'm allowed to say I don't want the job, give it 10 to somebody else.</p> <p>11 Q. Uh-huh.</p> <p>12 A. In most cases they won't -- I don't 13 think they'll assign a job to you if they know 14 that you know this person or the officer or are 15 related to them.</p> <p>16 Q. Right.</p> <p>17 A. In any way.</p> <p>18 Q. Okay.</p> <p>19 A. I mean those things are done.</p> <p>20 Q. All right. But you're not required to 21 recuse yourself, it's up to your discretion if 22 you feel that --</p> <p>23 A. Yeah.</p> <p>24 Q. -- you should, basically?</p>	<p>Page 117</p> <p>1 Q. Okay. All right, if you can go to P-13. 2 Actually, I'm sorry, it's P-11.</p> <p>3 Before we look at that, as a 16-year 4 veteran of internal affairs, are you among the 5 longest tenured investigators, to your 6 knowledge?</p> <p>7 A. One of them, yes.</p> <p>8 Q. Okay. And you would consider yourself a 9 very experienced investigator; correct?</p> <p>10 A. Look, I always think there's something 11 more I can learn the next day. That's really 12 how I am.</p> <p>13 Q. All right. And aside from always 14 wanting to learn something new or get better, 15 you would consider yourself in general an 16 experienced investigator within internal 17 affairs, is that fair?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. All right, so am I correct that 20 you have not seen this document before? This is 21 the investigative report into Police Officer 22 Hayburn's allegations against Holmes.</p> <p>23 A. No, I haven't.</p> <p>24 Q. Do you, as an experienced IAD</p>
<p>Page 118</p> <p>1 A. Sure. It would certainly be unethical 2 if I was investigating a friend and found him 3 not guilty, sure. That would be unethical.</p> <p>4 Q. Other than self-reporting on the part of 5 the investigators, is there anything -- and 6 other than IAD knowing that there's some sort of 7 relationship, is there anything else that's done 8 to ascertain whether there is any kind of bias 9 like that?</p> <p>10 A. Not that I know of. It might be a 11 question for the chief.</p> <p>12 Q. Okay.</p> <p>13 Anthony Washington, what had you 14 heard about allegations of sexual misconduct 15 that had been made against him?</p> <p>16 A. Pretty much just what I read in the 17 paper.</p> <p>18 Q. Okay.</p> <p>19 A. I think he was saying some things to 20 females. I don't know whether there was a -- 21 was there a female reporter involved, or 22 something like that? Something to that effect.</p> <p>23 Said something sexually oriented to -- that's 24 it.</p>	<p>Page 118</p> <p>1 investigator, agree that IAD history should be 2 reviewed as part of an investigation?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And do you agree that any member 5 of the police department would know that if a 6 city issued vehicle is impounded because of an 7 allegation of sexual assault, that forensic 8 testing is going to be conducted on that 9 vehicle?</p> <p>10 A. Do I agree if everybody should know 11 that?</p> <p>12 Q. Yeah.</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And that forensic testing would 15 include semen analysis?</p> <p>16 A. Semen analysis, swabbing, 17 fingerprinting, sure.</p> <p>18 Q. Okay.</p> <p>19 Now, if you go to Holmes' interview 20 as part of this investigation, which is 21 Exhibit 13, back to Exhibit 13.</p> <p>22 A. 13?</p> <p>23 Q. Yes. And you haven't seen this either; 24 correct?</p>

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<p>1 A. No.</p> <p>2 Q. All right.</p> <p>3 Now, if you look at Page 1117. So</p> <p>4 Holmes' city issued car was impounded as a</p> <p>5 result of Police Officer Hayburn's allegations</p> <p>6 that he sexually assaulted her in his car. And</p> <p>7 if you look at Page 1117, he talks about that he</p> <p>8 has engaged in sexual acts inside his City of</p> <p>9 Philadelphia Dodge Durango.</p> <p>10 Do you see that? It's about the</p> <p>11 fourth question and answer down.</p> <p>12 A. Yes, okay.</p> <p>13 Q. All right.</p> <p>14 And then it says, "Inspector, can</p> <p>15 you elaborate on your response?</p> <p>16 "Answer: I've had a woman, a</p> <p>17 civilian woman in the vehicle. I did receive</p> <p>18 oral sex from the civilian female some time in</p> <p>19 the summer of 2007. I had sexual intercourse</p> <p>20 with the same woman outside of the vehicle and</p> <p>21 then she got back inside the vehicle. I believe</p> <p>22 it was two separate occasions."</p> <p>23 And if you skip over the next</p> <p>24 question and answer and then go one down, they</p>	<p>1 A. Look, I don't know this entire</p> <p>2 investigation. I don't know what should have</p> <p>3 been asked or should not have been asked.</p> <p>4 That's going to be my answer.</p> <p>5 Q. Can you --</p> <p>6 A. I can't look at an interview and say,</p> <p>7 okay, I should have asked these questions or</p> <p>8 these questions should have been asked. I've</p> <p>9 already admitted that I haven't seen the</p> <p>10 interview. I've already admitted that I haven't</p> <p>11 seen the investigation. So for me to comment on</p> <p>12 what should or should not have been done would</p> <p>13 be very inappropriate, very inappropriate.</p> <p>14 Q. Can you think of any circumstance in</p> <p>15 which an internal -- an IAD investigator should</p> <p>16 not ask Holmes information regarding this</p> <p>17 alleged civilian woman with whom he had sexual</p> <p>18 encounters in his city issued car in 2007?</p> <p>19 A. Again, I'm going to say without knowing</p> <p>20 the entire job -- in fact, if you'd like, I'll</p> <p>21 take the job. Give me a room for about an hour.</p> <p>22 I'll go through it, and then I'll give my</p> <p>23 critique or what should or should not have been</p> <p>24 done. But I really don't know. I don't know</p>
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<p>1 are telling him that a forensic test of his car</p> <p>2 found the presence of seminal fluid and</p> <p>3 spermatozoa. Can you explain this? And then he</p> <p>4 says it would have been that sexual encounter</p> <p>5 with the civilian that he just referred to.</p> <p>6 Do you see that?</p> <p>7 A. Yes, I do.</p> <p>8 Q. All right. Do you think that Holmes</p> <p>9 should have been questioned as to this civilian</p> <p>10 woman in the car as part of the investigation?</p> <p>11 MS. GHEE: Objection. Calls for</p> <p>12 speculation.</p> <p>13 BY MS. GURMANKIN:</p> <p>14 Q. You can answer.</p> <p>15 A. I don't really think it's appropriate</p> <p>16 for me to be commenting on somebody else's</p> <p>17 investigation.</p> <p>18 Q. I'm asking in your capacity as a 16-year</p> <p>19 veteran of internal affairs and an experienced</p> <p>20 investigator, do you agree that Holmes should</p> <p>21 have been asked for information about this</p> <p>22 civilian woman that he's alleging was -- that a</p> <p>23 sexual encounter with her was the result of</p> <p>24 semen in his city issued car?</p>	<p>1 what should have been done on a job or an</p> <p>2 investigation that I did not lead or do. So I'm</p> <p>3 not going to be able to comment on what someone</p> <p>4 should or shouldn't have done without knowing</p> <p>5 all the facts on that job. I don't know whether</p> <p>6 that was done. Maybe that was done. Maybe the</p> <p>7 woman's name is known and they don't need to ask</p> <p>8 him. I don't know.</p> <p>9 Q. It wasn't. And in fact, I can direct</p> <p>10 your attention to, if you go back to P-11.</p> <p>11 And then the last page, 1064.</p> <p>12 A. The conclusion?</p> <p>13 Q. Yep, the conclusion.</p> <p>14 So it finds that the allegation of</p> <p>15 sexual assault that Police Officer Hayburn made</p> <p>16 is not sustained. And then it finds, if you</p> <p>17 look at the next head header, "The IAD</p> <p>18 investigation sustained improper conduct by</p> <p>19 Inspector Carl Holmes in engaging in sexual</p> <p>20 relations either inside of or involving his city</p> <p>21 issued Dodge Durango."</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. And then in the next paragraph it says,</p>

<p style="text-align: right;">Page 125</p> <p>1 "Inspector Holmes in his IAD interview, when 2 questioned about the recovery of, quote, 3 spermatozoa from inside his vehicle during the 4 IAD investigation through his own admission 5 attributed it to one of two consensual acts 6 involving him in the Durango, and the same 7 unidentified, unknown civilian female, both 8 events taking place in the summer of 2007, while 9 he was off duty and in civilian attire."</p> <p>10 Have I read that correctly?</p> <p>11 A. It does say that, yes.</p> <p>12 Q. All right. Do you agree that the woman 13 should have been identified by Holmes as part of 14 this investigation?</p> <p>15 MS. GHEE: Objection. Calls for 16 speculation.</p> <p>17 BY MS. GURMANKIN:</p> <p>18 Q. You can answer.</p> <p>19 A. Listen, I'm not the expert witness for 20 the city here. It is not my job.</p> <p>21 Q. I am asking in your capacity as a 22 16-year veteran of internal affairs and an 23 experienced investigator, do you agree --</p> <p>24 A. Would I know the name? Yes, I would</p>	<p style="text-align: right;">Page 127</p> <p>1 have on her allegation against him? 2 Q. I'm sorry, I don't understand that. 3 A. The unidentified woman, if found, you 4 said could be questioned as evidence against 5 Holmes; is that correct? 6 Q. Right, yes. 7 A. So if this unidentified woman had sex 8 with Chief Holmes one year prior to 9 Miss Hayburn, what evidentiary value would it 10 have in Miss Hayburn's case against Holmes? 11 Q. He's saying it was one year after 12 Hayburn? 13 A. Or after. Fine, either one. 14 Q. Well, the value would have been -- 15 A. It's not of evidentiary value to that 16 particular case. It's not going to be used in a 17 case of criminal court against him that he had 18 sex with another person. That's an 19 administrative violation here. 20 Q. Well, actually, it could have been used 21 to confirm whether or not that woman existed or 22 whether in fact the semen did belong -- did 23 result from his encounter with Police Officer 24 Hayburn; right?</p>
<p style="text-align: right;">Page 126</p> <p>1 have found out the name. 2 Q. Because this woman, if she existed, 3 could have been a witness in a pending 4 investigation; right? 5 A. That's a possibility, but you also have 6 to think that it's Inspector Holmes' car, and 7 you would find some type of DNA evidence in his 8 own car of Inspector Holmes. 9 Much like if I took your car and did 10 a swab of it, I would find DNA evidence of 11 something related to you because you own the 12 car. 13 Q. Sure. The issue here was that Police 14 Officer Hayburn alleged that he ejaculated in 15 the car, he denied doing it with Inspector 16 Hayburn, and attributed the semen to this 17 unidentified woman. 18 A. Uh-huh. 19 Q. Do you agree that the woman could have 20 been, if she existed, could have been a witness 21 in the pending investigation? It's a 22 possibility? 23 A. The value of her having sex with him a 24 year before in the car? What value would that</p>	<p style="text-align: right;">Page 128</p> <p>1 A. I think you are looking at it all wrong, 2 and I'm going to tell you what I think. The 3 fact that I found sperm in a police car is wrong 4 in itself period. You wouldn't find that in a 5 police car. It is an official Philadelphia 6 Police car. You shouldn't see Inspector Holmes 7 sperm in there. The fact that he had it with an 8 unknown woman just makes it worse. But that's 9 what they are showing here, that clearly he had 10 -- they don't need to prove who he had it with. 11 Unfortunately, maybe he masturbated 12 in the car. I've had that before. That would 13 be inappropriate. 14 Q. He's saying -- 15 A. And you would expect to find his sperm 16 there. 17 So the fact that the woman was not 18 found is really kind of irrelevant. 19 Q. Well, not only was the woman not found, 20 no one asked him a single question about her, 21 and Holmes is attributing the semen in his car 22 not to the sexual assault that Police Officer 23 Hayburn is alleging, but the fact that he had a 24 sexual encounter with this unknown, unidentified</p>

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<p>1 woman.</p> <p>2 Isn't that of value in an internal</p> <p>3 affairs investigation?</p> <p>4 A. I don't know what they were thinking at</p> <p>5 the time. Again, not my job, not my case, and</p> <p>6 not my place to critique someone else's</p> <p>7 investigation. Especially I can't critique</p> <p>8 inspectors or captains above me.</p> <p>9 Q. And if it were your case, that woman</p> <p>10 would have been identified or found?</p> <p>11 A. I tend to have larger cases, yes.</p> <p>12 Q. During your time with the department,</p> <p>13 have you ever had a female supervisor?</p> <p>14 A. Yes.</p> <p>15 Q. What position were you in at the time?</p> <p>16 A. Do you want me to try and remember all</p> <p>17 of them?</p> <p>18 Q. Yeah. That would be great.</p> <p>19 A. As an internal affairs investigator, I</p> <p>20 currently have a female supervisor, Captain</p> <p>21 Carol Abrams.</p> <p>22 Prior to her, while at internal</p> <p>23 affairs, I had Captain Theresa Levins.</p> <p>24 While I was in sex crimes years ago,</p>	<p>1 Q. Okay. So you don't have an opinion on</p> <p>2 whether or not it's harder to be a female police</p> <p>3 officer?</p> <p>4 A. I wouldn't know what that's like, no. I</p> <p>5 don't. Sorry.</p> <p>6 Q. Okay. Have you ever heard male</p> <p>7 employees of the police department talk about</p> <p>8 having sex with women?</p> <p>9 A. Working, you mean? Or off duty? On</p> <p>10 duty?</p> <p>11 Q. Let's start with at work, have you ever</p> <p>12 heard male employees of the department talking</p> <p>13 about having sex with women?</p> <p>14 A. I'm not having any type of recollection</p> <p>15 right now, no.</p> <p>16 Q. Have you ever heard male employees of</p> <p>17 the department talk about women's appearances?</p> <p>18 A. Nothing comes to mind.</p> <p>19 Q. Have you ever done either of those</p> <p>20 things during your employment?</p> <p>21 A. I don't -- the workplace is not that</p> <p>22 type of environment to, you know, talk about</p> <p>23 that kind of stuff. Most people should know</p> <p>24 that you're not going to talk about somebody's</p>

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<p>1 I had Captain Eileen Bonner.</p> <p>2 Those are the three I remember right</p> <p>3 now.</p> <p>4 Q. Okay.</p> <p>5 Chief Inspector Holmes testified at</p> <p>6 his deposition that all things being equal, it's</p> <p>7 harder to be a female officer in the police</p> <p>8 department than a male officer.</p> <p>9 Do you agree with that?</p> <p>10 A. I'm sorry. You talked a little fast</p> <p>11 with the times.</p> <p>12 Q. Sure. Holmes testified at his</p> <p>13 deposition that all things being equal it's</p> <p>14 harder to be a female officer in the police</p> <p>15 department than a male officer.</p> <p>16 Do you agree with that?</p> <p>17 A. I'm going to say I wouldn't know.</p> <p>18 Q. Well, I'm talking about based on what</p> <p>19 you see or experience in the department?</p> <p>20 A. I think it's hard to be a police officer</p> <p>21 in general any more. I don't -- I think if</p> <p>22 somebody wants to be a captain, they can study</p> <p>23 to be a captain whether you're a male or a</p> <p>24 female.</p>	<p>1 appearance. It's inappropriate.</p> <p>2 Q. And they should know that, but often</p> <p>3 they don't, do you agree with that?</p> <p>4 A. Well, I'm a black and white person.</p> <p>5 It's inappropriate.</p> <p>6 Q. I agree it's inappropriate. But you</p> <p>7 agree people still do it in the workplace?</p> <p>8 A. I think people do it everywhere</p> <p>9 sometimes, yes. And I try to get away from any</p> <p>10 of the gossip that goes on. I keep away from</p> <p>11 that stuff.</p> <p>12 Q. Okay. Have you heard it in your</p> <p>13 workplace during your career in the police</p> <p>14 department?</p> <p>15 A. I'm going to say not unless it was</p> <p>16 related to a job that we were working on, you</p> <p>17 know, what was the suspect or what was the</p> <p>18 victim wearing or, you know, what do we need to</p> <p>19 take. You know, something in an official</p> <p>20 capacity.</p> <p>21 Q. Okay. Have you ever heard male</p> <p>22 employees of the department refer to a woman as</p> <p>23 a bitch?</p> <p>24 A. No.</p>

<p>1 Q. Okay.</p> <p>2 Let me take a break and see if I</p> <p>3 have anything else.</p> <p>4 THE WITNESS: Okay.</p> <p>5 VIDEO SPECIALIST: The time is 12:27</p> <p>6 p.m. Off the record.</p> <p>7 (Recess.)</p> <p>8 VIDEO SPECIALIST: 12:37 p.m. Back</p> <p>9 on the record.</p> <p>10 BY MS. GURMANKIN:</p> <p>11 Q. Lieutenant, if you could just go back to</p> <p>12 P-4.</p> <p>13 A. Okay.</p> <p>14 Q. Page 297.</p> <p>15 So at the bottom, you talk about the</p> <p>16 cell phone that Detective Vandegrift had</p> <p>17 provided to you; correct?</p> <p>18 A. Yes.</p> <p>19 Q. All right, and on the next page, you go</p> <p>20 on to talk about the fact that the phone had</p> <p>21 been taken to a forensics lab, but it revealed</p> <p>22 negative results for any information; right?</p> <p>23 A. Yes.</p> <p>24 Q. There's nothing in there that says she</p>	<p>Page 133</p> <p>1 A. No, oh, no. We took a photo image of</p> <p>2 the phone. Everything that's on the phone</p> <p>3 doesn't go back to that far.</p> <p>4 Q. That was the --</p> <p>5 A. The lab couldn't have been incorrect,</p> <p>6 no. What's on the phone is what I got.</p> <p>7 Q. How come it doesn't say anything about a</p> <p>8 photo image?</p> <p>9 A. I have a report for it, you know.</p> <p>10 Q. Okay. Did you ever conclude that she</p> <p>11 deliberately gave you the wrong phone?</p> <p>12 A. No, uh-uh.</p> <p>13 Q. Okay. You are not saying she did</p> <p>14 anything improper regarding that?</p> <p>15 A. No, no.</p> <p>16 Q. Okay. All right.</p> <p>17 A. I believe I asked her if she had another</p> <p>18 phone or if this was the right phone. I think</p> <p>19 we had that conversation.</p> <p>20 Q. Okay.</p> <p>21 Were you given any time limitations</p> <p>22 in which you had to complete your investigation?</p> <p>23 A. Internals have a time, I believe it is</p> <p>24 125 days to complete. I mean it's an</p>
<p>1 provided the wrong phone; correct?</p> <p>2 A. No, uh-uh.</p> <p>3 Q. That is correct?</p> <p>4 A. Yeah. I didn't say that anywhere, did</p> <p>5 I? I thought she told me that was the phone.</p> <p>6 Q. Right.</p> <p>7 A. She told me that was the phone. That's</p> <p>8 what we took.</p> <p>9 Q. Okay. And you never reached a</p> <p>10 conclusion that she gave you the wrong phone;</p> <p>11 right?</p> <p>12 A. Its not my conclusion. It's just the</p> <p>13 information on the phone didn't go back that</p> <p>14 far.</p> <p>15 Q. Right.</p> <p>16 A. I mean it's a possibility, maybe she had</p> <p>17 a different phone at the time. I don't know.</p> <p>18 She didn't seem to remember either, if I</p> <p>19 remember correctly.</p> <p>20 Q. And it's possible --</p> <p>21 A. That's what she had?</p> <p>22 Q. Okay. And it is possible that the lab</p> <p>23 just couldn't access information that went back</p> <p>24 seven years?</p>	<p>Page 134</p> <p>1 administrative thing.</p> <p>2 Most of our jobs go beyond that. I</p> <p>3 should say civilian complaints against police,</p> <p>4 such as a verbal or, you know, a procedural</p> <p>5 error or verbal abuse, something like that,</p> <p>6 there's a 75-day limit based on a mayor's</p> <p>7 mandate. But again, most of our jobs go beyond</p> <p>8 that, and we just do paperwork requesting more</p> <p>9 time.</p> <p>10 So is there a time? Yes, on paper</p> <p>11 there's a time. But sometimes you just can't</p> <p>12 get ahold of people, for whatever reason.</p> <p>13 Warrants take longer, whatever. Finding</p> <p>14 witnesses take longer. You need more time.</p> <p>15 Q. All right, so I'm sorry, I just want to</p> <p>16 make sure that I'm not confused. The 125 days,</p> <p>17 is that specifically for civilian complaints, or</p> <p>18 in general?</p> <p>19 A. No. The 75 is for civilian complaints.</p> <p>20 Q. Okay.</p> <p>21 A. It is 125 for internal.</p> <p>22 Q. Okay.</p> <p>23 A. But again, I want to stress that that is</p> <p>24 not in stone. That is a recommended time</p>

Page 137	Page 139
<p>1 frame --</p> <p>2 Q. I understand.</p> <p>3 A. -- to get it done.</p> <p>4 Q. Have you ever heard during your</p> <p>5 employment male employees of the department</p> <p>6 refer to females as sweetie or honey or baby?</p> <p>7 A. No.</p> <p>8 Q. You said earlier that you have a belief</p> <p>9 that female officers tend to be catty.</p> <p>10 Do you recall that?</p> <p>11 A. I do.</p> <p>12 Q. All right. And what is your basis for</p> <p>13 that?</p> <p>14 A. Well, I'll use an example the other</p> <p>15 Holmes job that I had, the three female</p> <p>16 complainants. How could one say they heard it</p> <p>17 from the other and then none of them admitted</p> <p>18 it? That to me would be a -- obviously, they're</p> <p>19 gossiping, and that's what I mean by that.</p> <p>20 Q. Did you ever reach the conclusion that</p> <p>21 male officers tend to be catty or gossipy, or</p> <p>22 just females?</p> <p>23 A. No, I mean you'd be surprised, men act</p> <p>24 similarly as goofy at times. They don't get</p>	<p>1 refer to female employees, referring to them as</p> <p>2 girls?</p> <p>3 A. I mean not generally, no. I mean I just</p> <p>4 happened to indicate that it was a female</p> <p>5 officer. That's all.</p> <p>6 Q. Have you ever heard --</p> <p>7 A. And I should know better because I've</p> <p>8 studied for enough orals that we take and we're</p> <p>9 told not to, you know, say words like that. We</p> <p>10 are told if you are talking about a female</p> <p>11 officer, then you say a female officer, so.</p> <p>12 Q. And what have you studied that you just</p> <p>13 referenced where you are trained?</p> <p>14 A. For promotions, there's a written test</p> <p>15 and there's an oral test for most, I guess,</p> <p>16 detectives -- not detectives. Sergeant,</p> <p>17 lieutenant, captain, and inspector. So half of</p> <p>18 your grade is a written test. The other half is</p> <p>19 an oral test. And obviously I made lieutenant.</p> <p>20 I took some classes where, you know, they teach</p> <p>21 you on how to properly, you know, present</p> <p>22 yourself, the proper terminology. Don't, you</p> <p>23 know, don't say girl or boy. Say male. Try and</p> <p>24 be more appropriate in your explanation.</p>
Page 138	Page 140
<p>1 what they want, they don't get transferred where</p> <p>2 they want, it is the same thing. It is a police</p> <p>3 officer in general. I guess I shouldn't stick</p> <p>4 with, you know, only females. I mean police</p> <p>5 officers in general, they feel as though they</p> <p>6 deserve something, they want it, and then</p> <p>7 they'll complain when they don't get it.</p> <p>8 Q. Have you ever referred to male officers</p> <p>9 as catty, or just female officers?</p> <p>10 A. I mean I can say there's -- I'm sure</p> <p>11 there's jobs that I have had that men were catty</p> <p>12 as well, yeah.</p> <p>13 As I said when I originally said it,</p> <p>14 I don't mean to be sexist about it, it's just</p> <p>15 the word I used.</p> <p>16 Q. Okay. You also referred to female</p> <p>17 officers or employees as "girls" earlier.</p> <p>18 Is that a term that you use to refer</p> <p>19 to female members of the department?</p> <p>20 A. Well, I guess I should formally say male</p> <p>21 or female. So if I've offended you by the use</p> <p>22 of the word "girls," I apologize.</p> <p>23 Q. No, I am just asking, is that something,</p> <p>24 a term you hear used around the department to</p>	<p>1 Q. Is there any EEO training that's part of</p> <p>2 those tests or topics that are covered?</p> <p>3 A. If I remember correctly, yeah, there are</p> <p>4 some. The tests are given. They will present</p> <p>5 you with an EEO dilemma or situation, whereas</p> <p>6 the supervisor going for that particular</p> <p>7 position, they ask you how you would handle it,</p> <p>8 yeah.</p> <p>9 Q. A hypo?</p> <p>10 A. Yeah, uh-huh.</p> <p>11 MS. GURMANKIN: All right. That's</p> <p>12 all I have for you. Thank you.</p> <p>13 THE WITNESS: Okay. You're welcome.</p> <p>14 BY MS. GHEE:</p> <p>15 Q. What's the difference between an EEO job</p> <p>16 and an internal affairs job?</p> <p>17 MS. GURMANKIN: Objection to form.</p> <p>18 BY MS. GHEE:</p> <p>19 Q. What's the difference between an EEO</p> <p>20 investigation and an internal affairs</p> <p>21 investigation, if there is one?</p> <p>22 A. Well, EEO is in itself separate, if I'm</p> <p>23 not mistaken. Internal affairs job, I'm not</p> <p>24 sure. I mean we have internals and then we have</p>

Page 141	Page 143
<p>1 complaints, which are CAPS, that they are 2 called. All three are different.</p> <p>3 Q. Okay, could you explain what the 4 internals or --</p> <p>5 A. Well, the internal would be something 6 such as this, a particular complaint by 7 Detective Vandegrift. It's confidential. It's 8 not readily made to the public.</p> <p>9 A CAP, if you came in and said I got 10 a ticket on the way home, I shouldn't have got 11 it. That would be readily available to the 12 public.</p> <p>13 EEO is its own little unit.</p> <p>14 There's, I think, two people in it.</p> <p>15 Q. Is there a different standard for the 16 investigation when it's internal that's going to 17 lead to criminal -- that involves criminal 18 allegations as opposed to another EEO 19 investigation?</p> <p>20 MS. GURMANKIN: Objection to form.</p> <p>21 BY MS. GHEE:</p> <p>22 Q. You can answer.</p> <p>23 A. I mean I believe we have to produce 24 probable cause for an internal to produce the</p>	<p>1 Lieutenant Linneman and his chain of command and 2 gave it to me. My chain of command was 3 different than his. So whoever reviewed and 4 approved his job would not review and approve my 5 job, but a separate set of commanders would 6 review and approve it.</p> <p>7 Q. Okay. And you spoke about, earlier, 8 about checks and balances.</p> <p>9 Can you just explain that process?</p> <p>10 MS. GURMANKIN: Objection to form.</p> <p>11 BY MS. GHEE:</p> <p>12 Q. Could you explain what you meant by 13 checks and balances?</p> <p>14 MS. GURMANKIN: Same objection.</p> <p>15 THE WITNESS: This particular 16 report, the proceedings in internal affairs is I 17 do the investigation. I put it together 18 rapid -- you know, in a package type of report, 19 executive summary. Include all the evidence and 20 interviews and things like that. And then I 21 pass it through my chain of command for their 22 approval.</p> <p>23 Such as with this, Captain Vogt 24 looked at it, reviewed it, probably made some</p>
Page 142	Page 144
<p>1 criminal outcome, criminal charges in the 2 outcome.</p> <p>3 Q. In your experience investigating EEO, 4 even though it was six months, was that the 5 standard when you conducted an EEO 6 investigation?</p> <p>7 MS. GURMANKIN: Was what the 8 standard?</p> <p>9 BY MS. GHEE:</p> <p>10 Q. Probable cause?</p> <p>11 A. I don't think so.</p> <p>12 Q. Okay. Why was this portion of Detective 13 Vandegrift's allegations assigned to you?</p> <p>14 MS. GURMANKIN: Objection to form.</p> <p>15 BY MS. GHEE:</p> <p>16 Q. You can answer.</p> <p>17 A. I believe it was assigned to me because 18 they wanted, you know, a separate investigation 19 on the criminal portion of her allegations. A 20 lot of her allegations, I believe, were 21 EEO-related, harassment, things of that nature.</p> <p>22 These were specific crimes. You 23 know, aggravated, indecent assault, indecent 24 exposure. With that, they took it away from</p>	<p>1 grammatical changes. That's pretty common with 2 everything. Believe me, when there's a comma 3 missing, I get it back, big red circle, "missing 4 a comma."</p> <p>5 Then from Captain Vogt it goes -- it 6 went to Inspector Hall. And then ultimately to 7 Chief Flacco.</p> <p>8 During that whole process of 9 reviewing and approving, each boss has the right 10 to change my conclusion, and that does get done.</p> <p>11 So if Captain Vogt didn't like my 12 conclusion, he could have said I want it 13 changed. If Inspector Hall didn't like my 14 conclusion or even the change that Captain Vogt 15 did, he has the right to change it as well.</p> <p>16 Ultimately the chief has the final 17 say -- I should say the deputy commissioner has 18 the final say, and they can either agree with 19 the conclusion that's been passed up to them to 20 review or say no, I don't like that conclusion 21 and change it.</p> <p>22 That happens. It does happen 23 frequently.</p> <p>24 Like I said before, when I said</p>

Page 145	Page 147
<p>1 before and I was trying to explain this: When I 2 do the investigation, I'm merely suggesting 3 based on my knowledge of the investigation doing 4 it that this is probably the best conclusion 5 that we can come up with. They can either agree 6 or not.</p> <p>7 BY MS. GHEE:</p> <p>8 Q. And did anyone in your chain of command 9 disagree with your conclusion?</p> <p>10 A. No.</p> <p>11 MS. GHEE: No further questions.</p> <p>12 MS. GURMANKIN: Just a couple more.</p> <p>13 BY MS. GURMANKIN:</p> <p>14 Q. Did you have any discussions with 15 Inspector Hall about your report or your 16 conclusions?</p> <p>17 A. No, not that I remember.</p> <p>18 Q. Did you have any discussions with Chief 19 Inspector Flacco about it?</p> <p>20 A. I believe I sent the chief, and I think 21 it's in here, a recommendation to send it to the 22 DA's office for review, and he denied it.</p> <p>23 Q. Okay. Why did you think that it should 24 go to the DA's office for review?</p>	<p>1 are criminal allegations where you do not 2 recommend that it goes to the DA's office for 3 review, is that correct, or in every case in 4 which there are criminal allegations?</p> <p>5 A. I would say in most, I would say. I'm 6 not making the opinion unless I am sure that I 7 can charge the person, I'm saying, "Hey, this is 8 going."</p> <p>9 Q. Do you know, can you say it is all or 10 just most?</p> <p>11 A. It depends. We have so many different, 12 you know, cases. I don't know a percentage or 13 an amount. But I could say if there are 14 criminal allegations, it's a rule of thumb that 15 we recommend it to go to the DA's office, and 16 then the chief or the commissioner will decide 17 do they have the probable cause, do they agree 18 with us or not. And in this case I was denied.</p> <p>19 Q. And did Chief Inspector Flacco give you 20 any information as to why he denied this going 21 to the DA's office for review?</p> <p>22 A. Yeah. I think it was written on his 23 declination, lack of probable cause.</p> <p>24 Q. Okay. Did he talk to you about it?</p>
Page 146	Page 148
<p>1 A. Well, basically all we had was her 2 allegation, and I mean I guess the district 3 attorney could have said, yeah, we'll take the 4 case, approve a warrant for Holmes' arrest, and 5 put the case based solely on what we came up 6 with, which was Detective Vandegrift's 7 allegation. That's a possibility. That's all 8 we had.</p> <p>9 Q. And that's what you thought should 10 happen?</p> <p>11 A. Well, I suggested that it should happen 12 to get, you know, another set of eyes on it. 13 But really it's her word against his.</p> <p>14 Q. Okay. And you don't always recommend 15 that investigations that you've done go to the 16 DA's office for review?</p> <p>17 A. In most cases where there are criminal 18 allegations, yeah.</p> <p>19 Q. Okay.</p> <p>20 A. We have a form to fill out and we send 21 it again up the chain of command for review, and 22 they either approve the job to go to the DA's 23 office or not.</p> <p>24 Q. Okay. And there are times when there</p>	<p>1 A. I'm sure we had a conversation about it, 2 and then I'm sure that's what he said. Talk to 3 Chief Flacco, straight to the point. Not much 4 conversation there. And he's the chief. Don't 5 argue with him.</p> <p>6 I do, but I get in trouble when I 7 do.</p> <p>8 Q. Have there been findings that you've 9 reached in your capacity as IAD investigator 10 that your supervisors in your chain of command 11 have disagreed with you on?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Any involving allegations of 14 sexual misconduct of people in the department 15 where your supervisors have disagreed with you?</p> <p>16 A. No, no. Mainly, my recollection is 17 mainly, you know, minor departmental violations. 18 You know, disciplinary code violations. You 19 know, improper conduct or, you know, verbal 20 abuse or, you know, failing to notify a 21 detective agency of a report, or failing to do a 22 report required, something like that.</p> <p>23 Q. Okay. After you completed your 24 investigation to ascertain whether there was</p>

Page 149	Page 151
1 probable cause regarding Detective Vandegrift's 2 allegation that Holmes sexually assaulted her, 3 did you conduct any investigation into whether 4 his conduct violated the department or the 5 city's sexual harassment policies?	1 I N D E X
6 A. Well, no, I don't think so, no. I had 7 the criminal part of it.	2 DEPONENT: LIEUTENANT RAYMOND A. SAGGESE PAGE
8 Q. Okay. To your knowledge, did anyone do 9 that?	3 Examination by Ms. Gurmankin 3 4 Examination by Ms. Ghee 140 Examination by Ms. Gurmankin 145
10 A. Isn't that the EEO Lieutenant Linneman's 11 job? I think he --	5 E X H I B I T S
12 Q. Do you think he did that?	6 SAGGESE DEPOSITION EXHIBITS MARKED
13 A. -- did the EEO part of it. I hope he 14 did. He was the EEO guy at the time.	7 <u>P-14</u> Citizen's Complaint/Report, City1066 - 1069 31
15 Q. You would expect him to?	8 <u>P-15</u> Statement of P/O Christa Hayburn #6334, 2-15-08, City1175 - 1180 49
16 A. I'm guessing he did. I don't know.	10 <u>P-16</u> Statement of P/O Christa Hayburn #6334, 2-28-08, City 1181 - 1177 50
17 Q. Would you expect him to just based on 18 your experience in the department?	11 <u>P-17</u> Statement of Theresa Brooks, #5809, 10-10-12, City 3674 - 3680 52
19 A. Yeah.	13 <u>P-18</u> Statement of Inspector Carl Holmes, 10-16-12, City3681 - 3686 53
20 Q. Okay.	14 <u>P-19</u> Statement of Civilian Dawn Hicks-Cason, City 3651 - 3657 54
21 All right, that's all. Thank you.	16
22 MS. GHEE: No followup.	17
23 VIDEO SPECIALIST: This concludes	18
24 our video deposition. The time is 12:52 p.m.	19
20	20
21	21
22	22
23	23
24	24
Page 150	Page 152
1 Off the record.	1
2 COURT REPORTER: Reading and	2 WITNESS SIGNATURE/CERTIFICATION PAGE
3 signing?	3
4 MS. GHEE: Yes, please.	4
5 (Witness excused.)	5 I have read the foregoing transcript
6 - - -	6 of my deposition given on Friday, November 4,
7 (The deposition concluded at	7 2016, and it is true, correct and complete, to
8 12:52 p.m.)	8 the best of my knowledge, recollection and
9	9 belief, except for the list of corrections, if
10	10 any, attached on a separate sheet herewith.
11	11
12	12
13	13
14	14
15	15
16	16
17	17 _____
18	18 DATE LIEUTENANT RAYMOND A. SAGGESE
19	19
20	20
21	21
22	22
23	23
24	24

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1
2
3
4 I HEREBY CERTIFY that the
5 proceedings, evidence and objections are
6 contained fully and accurately in the
7 stenographic notes taken by me upon the
8 foregoing matter on Friday, November 4, 2016,
9 and that this is a true and correct transcript
10 of same.

11

12

13

14

15 
16 Terry Barbano Burke, RMR-CRR

17

18

19 (The foregoing certification
20 of this transcript does not apply to any
21 reproduction of the same by any means, unless
22 under the direct control and/or supervision of
23 the certifying reporter.)

24

In The Matter Of:
MICHELE VANDEGRIFT v.
THE CITY OF PHILADELPHIA

CHIEF INSPECTOR CARL HOLMES
November 1, 2016

Terry Burke Reporting
Registered Professional Reporters
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Min-U-Script® with Word Index

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1	IN THE UNITED STATES DISTRICT COURT	
2	FOR THE EASTERN DISTRICT OF PENNSYLVANIA	
3	- - -	
4	MICHELE VANDEGRIFT, :	
5	Plaintiff, :	
6	v. : Civil Action	
7	THE CITY OF PHILADELPHIA :	No. 16-2999
8	Defendant. :	
9	- - -	
10	Philadelphia, Pennsylvania	
11	Tuesday, November 1, 2016	
12	- - -	
13	Videotape Deposition of CHIEF	
14	INSPECTOR CARL HOLMES, taken pursuant to notice,	
15	at the Console Law Offices, LLC, 1525 Locust	
16	Street, Philadelphia, Pennsylvania, beginning at	
17	10:36 a.m., on Tuesday, November 1, 2016, before	
18	Terry Barbano Burke, RMR-CRR.	
19		
20		
21		
22	TERRY BURKE REPORTING	
23	(215) 205-9079	
24	terryburkermr@gmail.com	
	Page 2	
1	APPEARANCES:	
2	STEPHEN G. CONSOLE, ESQUIRE	
3	CAREN N. GURMANKIN, ESQUIRE	
4	LAURA MATTIACCI, ESQUIRE	
5	EMILY R. DERSTINE FRIESSEN, Esquire	
6	Console Law Offices, LLC	
7	1525 Locust Street, Ninth Floor	
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11	CITY OF PHILADELPHIA - CHIEF DEPUTY CITY	
12	SOLICITOR	
13	KIA GHEE, ESQUIRE	
14	CITY OF PHILADELPHIA - ASSISTANT CITY	
15	SOLICITOR	
16	Law Department	
17	One Parkway	
18	1515 Arch Street, 16th Floor	
19	Philadelphia, Pennsylvania 19102-1595	
20	Counsel for the Defendant	
21	ALSO PRESENT:	
22	MICHELE VANDEGRIFT	
23	RICK CHRISTIAN, Video Specialist	
24	- - -	
1	VIDEO SPECIALIST: We are now on the	
2	record. My name is Rick Christian. I'm a	
3	videographer obtained by Summit Court Reporting.	
4	This is a video deposition for the	
5	United States District Court, for the Eastern	
6	District of Pennsylvania. Today's date is	
7	November 1st, 2016. The video time is 10:36	
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	Page 3	
1	1 a.m. This deposition is being held at 1525	
2	Locust Street in Philadelphia, Pennsylvania, in	
3	the matter of Vandegrift versus the City of	
4	Philadelphia. The deponent is Carl Holmes.	
5	All counsel will be noted on the	
6	stenographic record. The court reporter is	
7	Terry Burke, and will now swear in the witness.	
8	CHIEF INSPECTOR CARL HOLMES,	
9	having been duly sworn, was examined and	
10	testified as follows:	
11	BY MR. CONSOLE:	
12	Q. Good morning, Chief Inspector Holmes.	
13	A. Good morning, counselor.	
14	Q. My name is Steve Console. Together with	
15	the lawyers seated at this table, Caren	
16	Gurmankin, Laura Mattiacci, and Emily Derstine	
17	Friesen, we have the privilege of representing	
18	Michele Vandegrift in connection with the	
19	lawsuit that she has brought against the city	
20	for allegations of sex discrimination, sex	
21	harassment and retaliation.	
22	I'm here today to ask you a series	
23	of questions. If there is any question that I	
24	ask you that you don't fully understand, please	
	Page 4	
1	let me know so that I can rephrase the question.	
2	If you proceed to answer the question, I will	
3	assume you fully understood the question and are	
4	answering it accordingly.	
5	Do you understand those	
6	instructions?	
7	A. I understand.	
8	Q. Have you been deposed before?	
9	A. Yes.	
10	Q. How many times, roughly?	
11	A. Once.	
12	Q. What type of case?	
13	A. Auto accident.	
14	Q. Were you a named party?	
15	A. Yes.	
16	Q. Plaintiff or defendant?	
17	A. Defendant.	
18	Q. The deposition that we are conducting is	
19	being taken in Console Law Offices in Center	
20	City Philadelphia. However, it has the same	
21	force and effect as if you were testifying in	
22	federal court before a federal jury and a	
23	federal judge.	
24	You are sworn to tell the truth. If	

<p>1 you wilfully do not tell the truth, including 2 saying you don't recall something when you do, 3 that's perjury. If convicted of perjury, you 4 can go to jail.</p> <p>5 Do you understand that?</p> <p>6 A. I understand that.</p> <p>7 Q. Is there any reason why as you sit here 8 today you are unable to recall events that 9 happened up to ten years ago?</p> <p>10 MS. MORRIS: You can answer the 11 question.</p> <p>12 THE WITNESS: I'm sorry, I don't 13 understand the question.</p> <p>14 MS. MORRIS: You can tell 15 Mr. Console.</p> <p>16 BY MR. CONSOLE:</p> <p>17 Q. If you don't understand the question --</p> <p>18 A. Okay.</p> <p>19 Q. -- you can say that to me.</p> <p>20 A. Okay.</p> <p>21 Q. That's the instruction I just gave you.</p> <p>22 A. Okay, all right.</p> <p>23 Q. Let's break it down. Are you on any 24 type of medication today that would impair your</p>	<p>1 remember something --</p> <p>2 A. Okay, that's where my confusion was, 3 counselor.</p> <p>4 Q. All right. No, if you don't recall, 5 you'll say that.</p> <p>6 A. Right.</p> <p>7 Q. I don't want you to guess or --</p> <p>8 A. That's where my confusion was.</p> <p>9 Q. Okay.</p> <p>10 If at any time you wish to take a 11 break, we will take a break to suit your 12 convenience.</p> <p>13 A. Okay.</p> <p>14 Q. I will only ask that any then pending 15 questions be answered before we take a break.</p> <p>16 Do you understand that?</p> <p>17 A. That I understand, yes.</p> <p>18 Q. All right.</p> <p>19 You are an attorney; is that 20 correct?</p> <p>21 A. I am a licensed attorney in the 22 Commonwealth of Pennsylvania.</p> <p>23 Q. Is your license active?</p> <p>24 A. My license is active. I am in what's</p>
<p>1 ability to recall events?</p> <p>2 You do not have to look to counsel 3 for the city, because she can't provide you any 4 clues when you testify. Do you understand that, 5 Chief Inspector?</p> <p>6 A. I understand.</p> <p>7 Q. All right. So you shouldn't be looking 8 at her. You should be looking at me or the 9 camera.</p> <p>10 A. I understand that.</p> <p>11 Q. All right, so --</p> <p>12 A. Now, your question is, as far as have I 13 taken medication today?</p> <p>14 Q. That would impair your ability to 15 testify honestly and accurately at this deposition?</p> <p>17 A. No.</p> <p>18 Q. Okay.</p> <p>19 Is there any reason at all as you 20 sit here today that you feel you are impaired in your ability to testify accurately concerning 22 questions that I'm going to ask you?</p> <p>23 A. Other than not actually remembering, no.</p> <p>24 Q. Well, sure. If you don't</p>	<p>1 known in our profession as in good standing.</p> <p>2 Q. Right. Have you ever practiced law?</p> <p>3 A. I have done, assisted the city on some 4 issues and cases.</p> <p>5 Q. As a lawyer --</p> <p>6 A. I'm sorry.</p> <p>7 Q. -- or as a non-lawyer?</p> <p>8 A. No, both as a lawyer and as a 9 non-lawyer. But as a lawyer, I did participate 10 in a use of force case that occurred at the 11 airport some time in 2001 or 2002 with outside 12 counsel basically to just give an overview of 13 the city's policy. But it was noted that at 14 that time I was duly licensed by the 15 Commonwealth.</p> <p>16 Q. Okay. And when did that happen?</p> <p>17 A. That was some time in 2004/2005.</p> <p>18 Q. When did you become a lawyer?</p> <p>19 A. I was admitted to the Bar, I believe, 20 December of 2003.</p> <p>21 Q. When did you graduate from law school?</p> <p>22 A. I graduated from law school May of 2003.</p> <p>23 Q. What law school?</p> <p>24 A. Widener University, now known as</p>

Page 9	Page 11
1 Delaware. They changed their name. 2 Q. All right, let's back up a little bit. 3 Educational background. Where did you go to 4 high school? 5 A. Went to LaSalle College High School. 6 Q. And you graduated in 1983? 7 A. 1983, yes, sir. 8 Q. What's your date of birth? 9 A. My -- I can answer? 10 Okay -- well, you know. My date of 11 birth is [REDACTED] 12 Q. So if I do the math correctly, that 13 means you are currently 52 years of age? 14 A. No. I'm 51 years of age. 15 Q. I thought you said it was May 29th? 16 A. [REDACTED] 17 Q. Of '64 or -- 18 A. [REDACTED] 19 Q. Oh, '65, okay, so you are right. So you 20 are 51 years of age? 21 A. I am 51 years of age, yes. 22 Q. All right. After you graduated from 23 LaSalle High School, what did you do next in 24 terms of your education?	1 Q. And when was that? 2 A. That was in 1988. 3 Q. For how long? 4 A. I was with the team approximately four 5 months. 6 Q. Was it in the summer season or 7 throughout the actual -- 8 A. No. I was signed in the spring. I went 9 through training camp, went all through training 10 camp, and right before the season started, I was 11 waived. 12 Q. What was your next job? 13 A. My next job that year was part time. I 14 worked part time for United Parcel Service, and 15 then I then signed with the New York Jets some 16 time in November/December of 1988. 17 Q. And how long were you with the Jets for? 18 A. I was with the Jets until June or so of 19 1989. 20 Q. So roughly one season? 21 A. No, no. I went through a mini camp and 22 just before training camp I left. 23 Q. And what was your next job after the 24 Jets?
Page 10	Page 12
1 A. I went to Temple University. 2 Q. And when did you graduate from Temple? 3 A. I didn't actually receive a degree from 4 Temple until 1995. 5 Q. Okay. 6 A. But I attended Temple University 7 continuously from 1983 to the spring of 1988. 8 And then I left and I returned to Temple some 9 time in the early 90's and finished up my 10 degree. 11 Q. So you graduated from Temple in 1995; is 12 that correct? 13 A. That's when I received my degree, yes, 14 sir. 15 Q. Is that different than graduating from? 16 A. Well, I mean, like I said, I didn't 17 actually go through a graduation ceremony. 18 Q. Okay. Now, what is your first full-time 19 job after you graduated from LaSalle High 20 School? 21 A. My first full-time job would have been, 22 I guess full time, probably would have been 23 employed by the Washington Redskins of the 24 National Football League.	1 A. The next job after the Jets, in June of 2 1989, I went into a construction position 3 with -- I believe they were Pileggi & Sons. Not 4 general contractor, but I did construction work 5 full time. 6 Q. For how long? 7 A. I was with them only about three months, 8 and then I went and worked with an asbestos 9 removal company, Delta Removal, from 10 approximately July/August until March of 1990. 11 And I entered the police department in March of 12 1990. 13 Q. Okay. So you entered the police 14 department March of 1990 -- 15 A. Uh-huh. 16 Q. -- and at that point in time you would 17 have been approximately 24 years of age? 18 A. 24, yes. 19 Q. And you went into the police academy; 20 correct? 21 A. Yes. 22 Q. And when did you graduate from the 23 police academy? 24 A. August of 1990.

<p>1 Q. When you graduated from the police 2 academy, what was your rank? 3 A. Police officer. 4 Q. And when did your rank change? 5 A. August of 1995. 6 Q. So roughly five years later; correct? 7 A. Yes. 8 Q. And it changed to what title? 9 A. Sergeant. 10 Q. And that, of course, is a promotion; 11 correct? 12 A. I was promoted to sergeant, yes. 13 Q. When did your title next change or your 14 rank next change? 15 A. August 1997. 16 Q. What was the new rank? 17 A. Lieutenant. 18 Q. Again, a promotion; correct? 19 A. Yes. 20 Q. When did your rank next change? 21 A. December of 2000. 22 Q. What was the new rank? 23 A. Captain. 24 Q. And again, that's a promotion?</p>	<p>Page 13</p> <p>1 A. My rank next changed, it probably would 2 have been 2008. 3 Q. And what was your new position? 4 A. I went back to the position of captain. 5 Q. Was it a demotion? 6 A. It was. 7 Q. Why were you demoted? 8 A. I was demoted for conduct unbecoming an 9 officer. 10 Q. What conduct were you accused of 11 engaging in? 12 A. Misuse of a city vehicle. 13 Q. In what way? 14 A. I had the city vehicle off duty and I 15 engaged in a relationship with a civilian woman. 16 Q. What city vehicle? 17 A. It was a Durango, the Dodge. 18 Q. Dodge Durango? 19 A. Yes. 20 Q. And in connection with the Dodge 21 Durango, did you have sex with a woman inside 22 the car? 23 A. No. 24 Q. You never had sex in the Durango?</p>
<p>1 A. It was. 2 Q. When did your rank next change? 3 A. March of 2002. 4 Q. What was the new rank? 5 A. Inspector. 6 Q. And again, that's a promotion; correct? 7 A. Right. 8 Q. When did your rank next change? 9 A. Can I have a moment with counsel? 10 Q. No. You should answer the question. 11 A. I'm requesting a moment with counsel. 12 Q. No. 13 MS. MORRIS: You have to answer the 14 question. 15 BY MR. CONSOLE: 16 Q. You have to answer the question, Chief 17 Inspector. Answer the question. 18 A. I'm unsure how to answer the question 19 due to a settlement with the city. 20 Q. Well, the question -- I'm not asking 21 about a settlement with the city. I'm asking 22 you a question. It's a factual question. 23 A. I understand. 24 Q. When did your rank next change?</p>	<p>Page 14</p> <p>1 A. Never had sex in the Durango. 2 Q. Well, did you ejaculate in the car? 3 A. Yes. 4 Q. Well, isn't that a form of having sex? 5 MS. MORRIS: Objection. 6 THE WITNESS: I'm sorry, I'm not 7 sure how to handle the objections. 8 BY MR. CONSOLE: 9 Q. Well, let's break this down, then. When 10 you ejaculated in the police vehicle, was a 11 woman touching you? 12 A. Yes. 13 Q. And are you saying that wasn't sex? 14 A. No. I took sex to be intercourse. 15 Q. Okay. Well, let's expand sex to be any 16 sexual act. Would you agree that having a woman 17 touch you while you ejaculate is a sexual act? 18 A. Yes. 19 Q. All right. So did you have a sexual act 20 in the -- 21 A. Yes. 22 Q. -- vehicle? 23 A. Yes. 24 Q. And were you working at the time?</p>

<p>1 A. No. 2 Q. You were off duty? 3 A. Yes. 4 Q. But you were using the police vehicle as 5 the location to have sex with a woman; correct? 6 A. Again, to have the sexual act. 7 Q. To have the sexual act with a woman -- 8 A. Yes. 9 Q. -- correct? 10 A. Yes. 11 Q. Who was the woman? 12 MS. MORRIS: Unless I say otherwise, 13 you have to answer his question. 14 BY MR. CONSOLE: 15 Q. Your counsel can't provide you the 16 answers, Chief Inspector. 17 A. No, no. 18 Q. You are under oath. 19 A. I am, I am. 20 To the best of my knowledge, the 21 woman's name was Denise. 22 Q. Denise what? 23 A. I don't remember her last name. I 24 really don't.</p>	<p>Page 17</p> <p>1 Q. Why were you driving the police -- were 2 you driving the police vehicle to the bar? 3 A. I had the police vehicle. I believe it 4 may have been after work, or -- 5 Q. Why -- did you drive it to the bar? 6 A. I had left work and went to the bar. 7 Q. Did you drive the police vehicle to the 8 bar? 9 A. Yes. 10 Q. Simple question. 11 A. Yes. 12 MS. MORRIS: Objection. 13 BY MR. CONSOLE: 14 Q. When you drove the police vehicle to the 15 bar, were you still working? 16 A. No. 17 Q. Why did you drive the police vehicle to 18 the bar? 19 A. I had gotten off work. 20 Q. Are you allowed to drive police vehicles 21 to bars? 22 A. At that time, we were. 23 Q. Did you go to the bar with anyone? 24 A. No. By myself.</p>
<p>1 Q. Describe her for me. 2 A. A white female, at that time 3 approximately 46, 48 years old. What else? 4 Q. What color hair? 5 A. Blond. 6 Q. How tall? 7 A. Five two, five one. 8 Q. Approximately how much did she weigh? 9 A. Bulky -- I'm sorry. Respectfully 180, 10 200 pounds. 11 Q. How did you know Denise? 12 A. Met her in a bar. 13 Q. What bar? 14 A. I believe it was some bar on Germantown 15 Avenue. Whether it was McMenamin's, The 16 Anglesea, the Orange Blossom, I'm not sure. But 17 a bar in the area of Germantown and Mount Airy, 18 Mount Pleasant. 19 Q. So this would be in the Mount Airy 20 section of Philadelphia; right? 21 A. Yes. 22 Q. Okay. Were you in uniform when you met 23 her? 24 A. No.</p>	<p>Page 18</p> <p>1 Q. Had you met Denise before that night? 2 A. No. 3 Q. Did you take Denise back to the police 4 vehicle? 5 A. Yes. We went back to the police 6 vehicle. 7 Q. All right. What happened when you went 8 to the police vehicle? 9 A. We talked for a little bit and then I 10 guess we probably kissed, exchanged -- petting, 11 things of that nature, and then she performed 12 fellatio upon me. 13 Q. Did you unzip your pants? 14 A. Yes. 15 Q. Did you expose yourself to her? 16 A. Yes. 17 Q. Did you insert your fingers in her 18 vagina? 19 A. Denise, that night, I don't recall. 20 Q. Might have? 21 A. That night I could have, yes. 22 Q. Were you married at that night? 23 A. Yes. 24 Q. And when -- she performed oral sex on</p>

1 you; is that correct? 2 A. Yes. 3 Q. And then you ejaculated; correct? 4 A. I did. 5 Q. And did you ejaculate into the vehicle? 6 Did your sperm go on the floor of the vehicle? 7 A. I don't know. I can't say. 8 Q. Is this the first time you had done 9 that, that is, brought a woman into a police 10 vehicle -- 11 A. Yes. 12 Q. -- and had sexual activity? 13 A. Yes. 14 Q. Have you done it since then? 15 A. With Denise, after that event, yeah, we 16 met up another couple other times. 17 Q. How many times did you have sex with 18 Denise in a police -- sexual activity with 19 Denise in a police vehicle? 20 A. Twice, I believe. 21 Q. A total of twice? 22 A. Yeah. 23 Q. Or two other times? 24 A. No, no.	Page 21	1 Q. You had the keys to the vehicle? 2 A. Yeah. 3 Q. Okay. 4 A. But I didn't say "this is my vehicle." 5 I said "get in." 6 Q. The second time that you had sex with 7 Denise, where did you meet her? 8 A. I believe in a bar. I think somewhere 9 in upper Mount Airy. Maybe the lower end of 10 Chestnut Hill. Maybe the Mermaid Inn. 11 Q. Did you arrange for the meeting or did 12 you just happen to run into her? 13 A. No, I arranged for the meeting. 14 Q. Did you have her cell phone? 15 A. I did. 16 Q. Do you still have it? 17 A. No. 18 Q. All right. And the second time when you 19 met her, were you in a police officer uniform? 20 A. No. 21 Q. Did you have the Durango with you? 22 A. Yes. 23 Q. And the second time that you had sexual activity with her, did you ejaculate in the	Page 23
1 Q. Two times? 2 A. Right. 3 Q. When was the second time? 4 A. Well, the second time we actually 5 engaged in intercourse outside the vehicle. And 6 I remember she had to sit in the vehicle to put 7 her pants on. 8 Q. When was the second time? 9 A. I'm not sure of exact dates, but it was 10 after the -- and I don't want to be facetious. 11 It was after the first time. I'm not sure of 12 the exact dates. 13 Q. Roughly what year are we talking about? 14 A. 2006/2007. 2007, I believe. 15 Q. And the second time -- the first time 16 that you had sex with Denise, did you tell her 17 that you were a police officer? 18 A. I'm not sure. 19 Q. At the time you were an inspector? 20 A. I would have been, yeah. 21 Q. Obviously the second time -- when you 22 brought her back to the vehicle, you told her 23 that was your vehicle; right? 24 A. I'm not sure what I told her.	Page 22	1 vehicle? 2 A. No. 3 Q. Okay. 4 A. Have you seen Denise since those two 5 events? 6 A. Yes. 7 Q. And when's the last time you saw her? 8 A. Oh, it's 2016. I think I may have seen 9 her some time around 2008/2009. 10 Q. And what did she do for a living? 11 A. I don't know. 12 Q. You never asked her? 13 A. No. 14 Q. How many times did you see her? 15 A. Over the course of the time I knew her, 16 maybe eight or ten. 17 Q. And you don't remember her last name? 18 A. No. 19 Q. Where did she live? 20 A. She had a place somewhere in Springfield 21 Township. I had been to her place a few times. 22 Q. You had been to her place? 23 A. Uh-huh. 24 Q. Where was it in Springfield Township?	Page 24

<p>1 A. Somewhere off of Mermaid and Newton, 2 somewhere around there. I don't know exactly 3 where.</p> <p>4 Q. Did you have sexual activity with her at 5 her residence?</p> <p>6 A. Yes.</p> <p>7 Q. So how many times in total did you have 8 sexual activity with Denise?</p> <p>9 A. Eight or ten.</p> <p>10 Q. And did you drive your Philadelphia 11 police vehicle to her residence?</p> <p>12 A. No, no.</p> <p>13 Q. Was Denise a prostitute?</p> <p>14 A. No.</p> <p>15 Q. Did you pay her for the sexual --</p> <p>16 A. No.</p> <p>17 Q. -- activity?</p> <p>18 A. No, no.</p> <p>19 Q. Was Denise a witness in any criminal 20 case?</p> <p>21 A. No. I don't know.</p> <p>22 Q. You don't know?</p> <p>23 A. Not to my knowledge.</p> <p>24 Q. When you were with Denise, were there</p>	<p>Page 25</p> <p>1 Q. After or before?</p> <p>2 A. No, no.</p> <p>3 Q. So she's the only person that you ever 4 engaged in sexual activity --</p> <p>5 A. As we have defined it.</p> <p>6 Q. Well, we're defining it very broadly.</p> <p>7 A. Okay. But have I ejaculated with any 8 other person inside of a city vehicle other than 9 these -- what we have just spoken of, counselor, 10 no.</p> <p>11 Q. Have you had sexual activity with any 12 other person inside a city vehicle?</p> <p>13 A. No.</p> <p>14 Q. So you have never kissed --</p> <p>15 MS. MORRIS: Objection.</p> <p>16 BY MR. CONSOLE:</p> <p>17 Q. -- inside a city vehicle?</p> <p>18 I want to get into the -- I want to 19 make sure we are not getting caught up in --</p> <p>20 A. I have kissed women inside of a city 21 vehicle.</p> <p>22 Q. How many women have you kissed inside of 23 a city vehicle?</p> <p>24 A. Two, three.</p>	
<p>1 times where she was intoxicated?</p> <p>2 A. Probably, yes.</p> <p>3 Q. The first time that you had sexual 4 activity with her, was she intoxicated?</p> <p>5 A. I don't know whether she was 6 intoxicated. I met her in a bar. We were 7 drinking. But I can't say she was intoxicated.</p> <p>8 Q. How did she get home?</p> <p>9 A. I didn't have to -- she went and got in 10 her car afterwards. I didn't have to assist her 11 in walking or anything. We walked out of the 12 bar.</p> <p>13 Q. How many drinks had you had that night?</p> <p>14 A. I can't recall.</p> <p>15 Q. Were you intoxicated?</p> <p>16 A. No.</p> <p>17 Q. Are you saying that the last time you 18 saw Denise was roughly in 2008?</p> <p>19 A. 2008/2009, yeah.</p> <p>20 Q. And has there been any other person that 21 you have had sexual activity with in a vehicle 22 issued by the City of Philadelphia, including 23 the police department?</p> <p>24 A. After Denise?</p>	<p>Page 26</p> <p>1 Q. Who?</p> <p>2 A. I kissed Christa Hayburn. I'm trying to 3 think. Cynthia Rascoe.</p> <p>4 Q. Who else?</p> <p>5 A. My wife.</p> <p>6 Q. What's her name?</p> <p>7 MS. MORRIS: Unless I have an 8 objection.</p> <p>9 THE WITNESS: My wife is Elizabeth.</p> <p>10 BY MR. CONSOLE:</p> <p>11 Q. What's her last name?</p> <p>12 A. Her last name is Holmes.</p> <p>13 Q. Who else?</p> <p>14 A. That's all I can recall.</p> <p>15 Q. Who is Christa Hayburn?</p> <p>16 A. She was a woman that worked for me years 17 ago.</p> <p>18 Q. She was a police officer --</p> <p>19 A. She was.</p> <p>20 Q. -- at the time you kissed her?</p> <p>21 A. Yes, she was a police officer.</p> <p>22 Q. Were you her boss at the time you kissed 23 her?</p> <p>24 A. I was.</p>	<p>Page 28</p>

<p>Page 29</p> <p>1 Q. Describe her for me. 2 A. White female. I'm not exactly sure how 3 old she is. 40, maybe younger. Five foot two, 4 five foot one. I'm not good at judging weights. 5 I would say she's well under 140 pounds, under. 6 Q. Uh-huh. 7 A. Like I said, I'm not good at judging 8 weights. But I would classify her as having a 9 slim build.</p> <p>10 Q. Cynthia, what's her last name? 11 A. Rascoe. 12 Q. Rascoe? 13 A. Yes. 14 Q. Was she a police officer? 15 A. Yes. 16 Q. Were you her boss at the time you kissed 17 her? 18 A. No, no. 19 Q. Describe her for me? 20 A. She's an African American female, 21 probably close to six foot. 22 Again, I'm not good with weights, 23 but she's medium build. She's approximately, at 24 this point I think she's -- she's older than me,</p>	<p>Page 31</p> <p>1 Q. Did you have sexual activity with any 2 woman that did not involve kissing, other than 3 the ones we mentioned? 4 A. Cynthia Rascoe. 5 Q. All right. What sexual activity did you 6 have with Cynthia Rascoe? 7 A. Intercourse. 8 Q. And at the time, what was your title? 9 A. Sergeant. 10 Q. And what was her title? 11 A. Police officer. 12 Q. Were you her supervisor in rank? 13 A. No. 14 Q. You were at a higher rank; correct? 15 A. No. We worked at different places. I 16 mean we were both -- 17 Q. Okay. Were you a higher rank? 18 A. I was a higher rank at the time, yeah. 19 Q. Okay. 20 In connection with Christa Hayburn, 21 describe for me the incident that led you to 22 kiss her in the police vehicle? 23 A. We were at a party at a bar somewhere 24 around Luzerne, somewhere, G and Luzerne,</p>
<p>Page 30</p> <p>1 so I'm going to say she's probably about 56, 57 2 years old now. So at the time years ago I guess 3 she would have been in her mid-40's. 4 Q. When did you kiss Cynthia Rascoe in a 5 police vehicle? 6 A. I'm going to say probably back in the 7 90's. 8 Q. Okay. Was it on one occasion or more 9 than one occasion? 10 A. Just on one occasion. 11 Q. When did you kiss Christa Hayburn? 12 A. In, I believe, 2006. 13 Q. Was it on one occasion or more than one 14 occasion? 15 A. Just one occasion. 16 Q. Who is Nicole Ramos? 17 A. I don't know. 18 Q. Never heard of her? 19 A. Nicole Ramos? No. 20 Q. Okay. Is there anyone else other than 21 Christa Hayburn, Cynthia Rascoe, the woman that 22 you described as Denise, and your wife that you 23 have kissed in a vehicle owned by the city? 24 A. No, no.</p>	<p>Page 32</p> <p>1 somewhere L and Luzerne. I don't know. 2 Anyway, we're in a party. We had 3 been drinking, flirting, hugging, talking. And 4 like I said, at some point we went outside. We 5 kissed outside and then we were in the vehicle 6 and we started to kiss. 7 Q. All right, let's break that down. 8 A. Uh-huh. 9 Q. You say that you were flirting. Were 10 you flirting with her? 11 A. Who, Christa? 12 Q. Yes. 13 A. Yes. And she was flirting with me. 14 Q. How were you flirting with her? 15 A. We were just talking. 16 Q. What were you saying that was 17 flirtatious? 18 A. Oh, you look good. I can't remember 19 exactly the exact verbiage. I know music was 20 playing, people were dancing, talking, standing 21 close, having drinks. 22 Q. Did you find her attractive? 23 A. Yes. 24 Q. Did you tell her that?</p>

	Page 33	Page 35
<p>1 A. I don't know. I really don't recall 2 what I told her.</p> <p>3 Q. The event in the bar, was that to honor 4 you?</p> <p>5 A. To honor me?</p> <p>6 Q. Yes.</p> <p>7 A. No, not to honor me.</p> <p>8 Q. All right. Was it related to you?</p> <p>9 A. It was related to me.</p> <p>10 Q. And what was it related to?</p> <p>11 A. I was going away for like three months.</p> <p>12 Q. To the FBI Academy?</p> <p>13 A. To the FBI Academy, yes, sir.</p> <p>14 Q. Who planned this event?</p> <p>15 A. I don't know.</p> <p>16 Q. Was it to celebrate your going away?</p> <p>17 A. I guess you can say celebrate, give me a 18 send-off.</p> <p>19 Q. Right, okay.</p> <p>20 A. I mean, you know. I'm sorry I'm saying 21 "you know."</p> <p>22 Q. No, I get it.</p> <p>23 How many people were there?</p> <p>24 A. 15, 20, 12. I don't know. I mean a</p>	<p>1 street and inconspicuous to assist in, you know, 2 following suspects, identifying people, 3 situations.</p> <p>4 Q. Was it posted, in other words, were the 5 police officers advised that there was an 6 opening for a female on this task force?</p> <p>7 A. No, it wasn't posted. Like I said, she 8 came because another female that had been 9 selected, and another male, actually, couldn't 10 do the duty. So I just said find somebody, you 11 know.</p> <p>12 Q. Who did you say "find somebody" to?</p> <p>13 A. I'm not sure whether I said it to the 14 sergeant at the time, who may have been either 15 Austin Frazier or Oscar -- I can't think of 16 Oscar's last name. But he was a Hispanic 17 sergeant.</p> <p>18 Q. Did you know Police Officer Hayburn?</p> <p>19 A. Yeah, I did.</p> <p>20 Q. How had you known her?</p> <p>21 A. Well, this was my second stint at that 22 time in East Division, so I had known her from 23 my first stint. She was a fairly active police officer. I would see her up at the detective</p>	
	Page 34	Page 36
<p>1 bunch of people at different times in and out.</p> <p>2 Q. Why was Police Officer Hayburn there?</p> <p>3 A. She was part of the task force.</p> <p>4 Q. When did she become part of the task 5 force?</p> <p>6 A. I'm not exactly sure. It was some time 7 previous to that.</p> <p>8 Q. Wasn't it three days before that?</p> <p>9 A. I don't think it was three days.</p> <p>10 Q. Was it within weeks --</p> <p>11 A. It was within two weeks, within two 12 weeks, yeah.</p> <p>13 Q. And she became part of the task force 14 because of you; correct?</p> <p>15 A. Yes.</p> <p>16 Q. Describe how that happened.</p> <p>17 A. I needed a female. I had a female in 18 mind, but she couldn't do it, and I needed some 19 diversity on the task force. But from an 20 operational standpoint and a utilitarian 21 standpoint, I needed female officers who could 22 actually search female suspects, and, you know, 23 times we did do operations, there were times 24 where I needed women to physically be out on the</p>	<p>1 division, which was across from my office. And 2 typically when officers come up there with an 3 arrest, they have to stand at kind of a -- not a 4 podium, but a ledge. So I would see her up 5 there, her and -- you know, I got to know 6 several people who were, I felt, active officers 7 by seeing them bringing jobs, as we call it, up 8 to the detective.</p> <p>9 Q. Where was Police Officer Hayburn 10 situated before she joined your task force?</p> <p>11 A. I believe she was in the line squad of 12 the 25th.</p> <p>13 Q. Was that part of the East Division?</p> <p>14 A. Yes.</p> <p>15 Q. And was it your decision to bring her 16 into the task force?</p> <p>17 A. Yes.</p> <p>18 Q. And isn't it true that you recommended 19 that she be brought into the task force?</p> <p>20 A. Yes.</p> <p>21 Q. It was your idea?</p> <p>22 A. Yeah.</p> <p>23 Q. You recruited her?</p> <p>24 A. I didn't recruit her. I just said, you</p>	

1 know, I think she would fit. 2 Q. You mentioned her name? 3 A. I did. 4 Q. And isn't it true that a reason why you 5 mentioned her name is that you found her 6 physically attractive? 7 A. No, no. That had nothing to do with her 8 working the task force. 9 Q. Now, when -- so she joined the task 10 force approximately, let's say, within a week of 11 the party that we talked about? 12 MS. MORRIS: Objection. You are 13 mischaracterizing the testimony. 14 MR. CONSOLE: Then let me ask you. 15 BY MR. CONSOLE: 16 Q. Do you agree that she joined the task 17 force within a week of the send-off party that 18 you testified to? 19 A. I don't know. Like I said, a week, two 20 weeks. It could have been. 21 Q. All right. Shortly before -- 22 A. Yes, sir. 23 Q. -- can we agree with that? 24 A. Yes, sir.	Page 37 1 A. She had her hands -- I don't know -- on 2 my shoulders. Her tongue was coming into my 3 mouth. My tongue was going into her mouth. 4 Q. Anything else that led you to conclude 5 it was consensual? 6 A. Just that she continued to kiss me and I 7 continued to kiss her. 8 Q. How long did you kiss? 9 A. I don't know. I would say within about 10 ten minutes or so. I don't know. I can't -- I 11 mean -- 12 Q. Did you touch her breasts? 13 A. I may have. 14 Q. Did you put your hand in her pants? 15 A. No. 16 Q. Are you sure of that? 17 A. I am sure of that. 18 Q. Did she touch you in any way other than 19 to kiss you? 20 A. No. 21 Q. Did you expose yourself? 22 A. No. 23 Q. Did you tell her you wanted to have sex 24 with her?
1 Q. And then within that short period of 2 time, you are kissing her in a police vehicle; 3 correct? 4 A. Yes. At the party, yes. 5 Q. And at that time you are her commanding 6 officer; correct? 7 A. Yes. 8 Q. When you were kissing Police Officer 9 Hayburn in the vehicle, did you think you were 10 violating the sexual harassment policy of the 11 police department? 12 A. No. 13 Q. As you sit here today, do you think you 14 violated the sexual harassment policy of the 15 police department when you were kissing Police 16 Officer Hayburn in a police vehicle? 17 A. No. 18 Q. Why not? 19 A. Because it was consensual on both our 20 parts. 21 Q. And how do you know it was consensual on 22 Police Officer Hayburn's part? 23 A. Because she was kissing me. 24 Q. Anything else?	Page 38 1 A. Yes. 2 Q. How did you say it? 3 A. I said "let's go someplace." 4 Q. And what? 5 A. I didn't say and anything. I said 6 "Let's go someplace." 7 Q. And is that because you wanted to have 8 intercourse with her? 9 A. Yes. 10 Q. What did she say? 11 A. She said, "I can't." 12 Q. What else did she say? 13 A. She's like, "I can't. You know what?" 14 You're my boss. I met your wife. I met your 15 child. I can't." 16 I said, "Okay." 17 Q. Isn't it true you tried to persuade her 18 despite those comments? 19 A. I don't know whether I tried to persuade 20 her. I just said okay. 21 Q. Did you have an erection? 22 A. I don't recall. 23 Q. Did you discuss having oral sex with 24 her?

	Page 41	Page 43
1 A. No. I just said, "Let's go someplace." 2 Q. All right. So let's see how we get to 3 there. So you're at the party with her. You're 4 flirting with her. You say she's flirting with 5 you. 6 A. Uh-huh. 7 Q. How do you -- at some point you then end 8 up outside the bar; correct? 9 A. Yeah. I think I had to get -- I smoked 10 back then. I think I had to get cigarettes, or 11 something, or we went outside. I know we were 12 outside and we, at some point we got in the car. 13 Q. Okay. And how did you at some point get 14 in the car? 15 A. We got into the car. I opened the door. 16 She went into the other side, and we got in the 17 car. 18 Q. So you opened which door? 19 A. The driver's door. 20 Q. And you went in the driver's side? 21 A. Yes. 22 Q. And she opened the passenger door? 23 A. Yes. 24 Q. Was the car locked?	1 Did you talk to anybody about the 2 fact that you had kissed Police Officer Hayburn? 3 A. What do you mean, did I talk to anybody? 4 I don't understand that question. Because 5 you're asking did I talk to anybody. I had to 6 give an interview in 2008. 7 Q. All right. 8 A. So then I did talk to somebody. 9 Q. Before you gave an interview, did you 10 tell -- did you talk to anybody about that 11 event? 12 A. I remember getting called and said 13 you're going to have to go down and you're under 14 investigation. And I'm like, "For what?" And 15 they were like, allegedly such and such, such 16 and such. And I said, "Okay. Well, what do we 17 have to do?" 18 Q. Now -- 19 A. And that was in 2008. So if you're -- 20 Q. And -- I'm sorry. 21 A. No. Go ahead. 22 Q. No. Continue. 23 A. No, I said that's why I'm confused with 24 the question when are you asking did I talk to	
	Page 42	Page 44
1 A. At some point it was locked, but I think 2 I had the remote clicker, whatever you call it. 3 Q. So you opened it. She got in. And then 4 you started kissing each other? 5 A. Yeah. 6 Q. Was there a center console? 7 A. There was. 8 Q. Okay. 9 And you said it was for about ten 10 minutes; correct? 11 A. To the best of my recollection. Ten 12 minutes. I can't... 13 Q. Isn't it true that you kissed her on two 14 separate occasions that night? 15 A. I don't recall kissing her on two 16 separate occasions. I mean I may have kissed 17 her on the cheek in the bar. I don't know. 18 Q. Do you remember going outside, kissing 19 her, and then coming back inside with her? 20 A. I don't. 21 Q. Do you remember going into the rest room 22 to find out where she was? 23 A. No, I didn't go in the rest room. 24 Q. Uh-huh.	1 somebody. 2 Q. I got it. 3 A. Okay. 4 Q. Shortly after the event, but before 5 anybody told you were being investigated, did 6 you talk to anybody? 7 A. No, no. After the event, actually I 8 went away for three months. 9 Q. In connection with -- at the time this 10 event occurred, your title was inspector; is 11 that correct? 12 A. Yes. 13 Q. And her title was police officer? 14 A. Yes. 15 Q. And she is, would you say she is roughly 16 how many years younger than you? 17 A. I don't know. 18 Q. At the time of this event, how old do 19 you think she was? 20 A. I don't know. 21 Q. Was she in her 20's? 22 A. I don't think she was in her 20's. No, 23 no. 24 I would think she was -- at the time	

1 of that event, I was about 40, 39 -- no. I 2 would have been 40 -- 2006, I would have been 3 40, 41. I would think she was in her early to 4 mid-30's. 5 Q. Did Police Officer Hayburn know that you 6 were the one who selected her for the task 7 force? 8 MS. MORRIS: Objection. 9 BY MR. CONSOLE: 10 Q. Did you tell her that you had selected 11 her for the task force? 12 A. Yeah. 13 Q. Do you agree that being selected for the 14 task force was a good thing for an officer in 15 Police Officer Hayburn's position? 16 A. Yes. 17 Q. Why? 18 A. She got to do different things. It 19 wasn't the same old mundane, you know, 911 doing 20 auto accidents, and things like that. You know, 21 you actually got to go out and do different 22 assignments, work plainclothes occasionally. 23 You know, work high profile incidents. Respond 24 to, you know, high profile, high priority	Page 45 1 A. No. 2 Q. So, in other words, when you went up the 3 ranks, as you testified to, did it have anything 4 to do with your performance? 5 A. Very little. 6 Q. So is it just pure seniority? 7 A. No. It was a combination of your 8 seniority and your test scores. 9 Q. Okay. And the performance evaluation, 10 does that matter? 11 A. You have to have a satisfactory 12 evaluation, yes. 13 Q. Okay. All right. And when you're in 14 the position of inspector, do you have the 15 ability to -- do you give evaluations of police 16 officers? 17 A. No. 18 Q. Do you give evaluations of people that 19 report to you? 20 A. Just to captains, and I sign off on the 21 lieutenants' evaluations. 22 Q. Was Police Officer Hayburn intoxicated 23 when you two were kissing in your vehicle? 24 A. I don't know. I didn't believe so at	Page 47 Page 46 Page 48
1 incidents. 2 Q. A career builder? 3 A. It could be, yes. 4 Q. Did she thank you for being assigned to 5 the task force? 6 A. I don't recall whether she said thank 7 you. 8 Q. Was it a promotion for her? 9 A. No. 10 Q. In the position of inspector, as of the 11 time that you bring Police Officer Hayburn into 12 the task force, do you agree that you have the 13 ability to assist a police officer in their 14 career advancement at the Philadelphia Police 15 Department? 16 A. I don't know what you mean by a career 17 advancement? 18 Q. Well, promoted? 19 A. No. 20 Q. Go up in ranks? 21 A. No. 22 Q. You had no say? 23 A. No. 24 Q. Do you evaluate?	1 the time, but I don't know. 2 Q. Were you intoxicated? 3 A. No. I don't -- no. 4 Q. How many alcoholic beverages did you 5 have before you were kissing Police Officer 6 Hayburn in the vehicle? 7 A. I don't recall. 8 Q. Could it have been as many as six? 9 A. It could have been. 10 Q. Could it have been ten? 11 A. No. 12 Q. When is the first time you told anyone 13 at the police department that you ejaculated in 14 a vehicle, a city vehicle? 15 A. It would have been during my interview. 16 I believe the city's counsel has the interview 17 with the date. I don't recall the exact date of 18 my interview concerning Christa Hayburn. 19 Q. All right. So at the time that you 20 indicated that you had ejaculated in a police 21 vehicle, were you aware of the fact that the 22 police vehicle in question had been impounded? 23 A. Yes. 24 Q. And were you aware of the fact that the	

1 police vehicle in question had had tests 2 performed to determine whether there was any 3 evidence of semen? 4 A. No. 5 Q. What did you think an impounded 6 vehicle -- well, strike that. 7 At the time that you advised someone 8 about the fact that you had ejaculated in a 9 police vehicle, did you know that Miss Hayburn, 10 Police Officer Hayburn had made an accusation 11 that she performed oral sex on you? 12 A. That she performed -- no. 13 Q. Did you learn that she had made an 14 accusation that you sexually assaulted her? 15 A. I knew she had stated that I had 16 sexually -- that I had digitally penetrated her. 17 Q. All right, meaning you knew that she had 18 said that you put your fingers or finger in her 19 vagina? 20 A. I was aware of that allegation. 21 Q. Were you aware of the fact that she had 22 indicated that you ejaculated in the car? 23 A. No. 24 Q. When did you hear that the vehicle had	Page 49	1 performed is to determine whether or not there's 2 any evidence of semen? 3 A. I wasn't sure because I had not 4 actually, you know, been involved in that aspect 5 of policing up until that point. 6 Q. Well, why else would you impound a 7 vehicle if it wasn't to do forensic tests? 8 A. I didn't know what they were going to do 9 with the vehicle. I know they said -- what they 10 said to me is we're going to need your vehicle. 11 Q. Right. But you're a police officer, as 12 of that date, you're a police officers for 18 or 13 so years; right? 14 A. Yeah, about that, yeah. 15 Q. So didn't you think that they were then 16 going to do tests to determine whether or not 17 there was any evidence of sexual activity? 18 A. Again, you're asking me my mindset back 19 then. 20 Q. Right. 21 A. I don't know what I thought. I know 22 that this allegation was serious. 23 Q. Uh-huh. 24 A. I was going to have to deal with this,	Page 51
1 been impounded? 2 A. When did I hear? 3 Q. Yes. 4 A. I didn't hear. They came and got it. 5 Q. All right. So you knew the vehicle -- 6 did they tell you why they were impounding the 7 vehicle? 8 A. As a result of an investigation. 9 Q. And did they say an investigation into 10 what? 11 A. They said that there was an allegation 12 of sexual contact with Police Officer Hayburn, 13 digital penetration. 14 Q. When they impounded the vehicle based on 15 that purpose or that reason stated, did you 16 expect that as a matter of forensic procedure 17 there would be tests done to determine whether 18 or not there was semen in the vehicle? 19 A. I wasn't sure what they were going to 20 do, look for, or anything. 21 Q. Well, based on your years of being a 22 police officer, do you agree that when there's 23 an accusation of a sex crime, one of the -- in a 24 vehicle, one of the tests that would be	Page 50	1 and they were going to, you know, investigate 2 it. So I don't know exactly what they were 3 going to do with the car back then. 4 Q. Well, did you expect that they would run 5 tests on the vehicle? 6 MS. MORRIS: Objection. Asked and 7 answered. 8 BY MR. CONSOLE: 9 Q. You can answer it. 10 A. Again, I don't know what I expected them 11 to do with the vehicle back then. 12 Q. Well, as you sit here today as a police 13 officer -- 14 A. Right. 15 Q. -- when there's an allegation of a 16 sexual assault involving a vehicle and then the 17 vehicle is impounded, do you think they're going 18 to run tests on it? 19 MS. MORRIS: Objection. 20 THE WITNESS: Now? 21 BY MR. CONSOLE: 22 Q. Yes, now. 23 MS. MORRIS: Asked and answered. 24 BY MR. CONSOLE:	Page 52

<p>1 Q. Now? You didn't answer that. Now? 2 A. Now? 3 Q. Yes. 4 A. Yeah, now. But like I said, you're 5 asking me back in 2006, what did I expect. 6 Again, I didn't know what to expect. 7 Q. Well, it was 2008; right? 8 A. Was it 2008? I'm sorry, I'm getting -- 9 we are talking about a lot of dates here, 10 counselor. I'm not trying to be difficult. I'm 11 just trying to answer your questions. 12 Q. All right. So you understand, then, 13 that Police Officer Hayburn is bringing a claim 14 of sexual assault against you; is that correct? 15 A. Yes. At that point, yes. 16 Q. Right. When did you first tell someone 17 that you had ejaculated in the vehicle? 18 A. In my statement, again, if I could see 19 my -- 20 Q. No. 21 A. -- for the date of the statement. But 22 my statement some time in 2008 when I was being 23 interviewed by internal affairs. 24 Q. Were you asked whether you had</p>	<p>Page 53</p> <p>1 Q. They didn't ask you if you raped the 2 person? 3 A. No. 4 Q. So they asked no questions about the 5 person? 6 A. To the best of my -- they might have 7 said -- I'm not sure how they phrased whether it 8 was a police officer, civilian. I do remember 9 in my statement I said it was a civilian. 10 Q. And so that we are clear, the term 11 civilian means anyone who's not a police 12 officer; is that correct? 13 A. Yes. 14 Q. Did you provide any type of contact 15 information so that they could validate your 16 allegation that when you ejaculated in the 17 vehicle it was with Denise? 18 A. No. 19 Q. Were you aware of the fact that Police 20 Officer Hayburn made the allegation that you had 21 ejaculated in the vehicle with her? 22 A. No. 23 Q. What was your understanding of the 24 allegations made by Police Officer Hayburn?</p>
<p>1 ejaculated in the vehicle or did you volunteer 2 that? 3 A. Again, it was in response to a question. 4 Q. So were you asked the question, have you 5 ever had sexual activity in the vehicle? 6 A. I believe that's how the question may 7 have been posed, yes. 8 Q. And you said yes? 9 A. I said yes. 10 Q. And did they ask you who you had sexual 11 activity with? 12 A. No. 13 Q. They didn't ask you to describe the 14 person? 15 A. No. 16 Q. They didn't ask you whether or not the 17 person was an alleged perpetrator of a crime? 18 A. No. 19 Q. They didn't ask you whether the person 20 was a prostitute? 21 A. No. 22 Q. They didn't ask you whether the person 23 worked for the City of Philadelphia? 24 A. No.</p>	<p>Page 54</p> <p>1 A. That I had touched her inappropriately 2 and tried to get her to perform a sex act. 3 Q. What sex act? 4 A. I'm not sure whether it was fellatio or 5 when I asked her to go somewhere for 6 intercourse. 7 Q. Did you expose yourself in the presence 8 of Police Officer Hayburn? 9 A. No. 10 MS. MORRIS: Objection. Asked and 11 answered. 12 BY MR. CONSOLE: 13 Q. Did you digitally -- did you insert a 14 finger or fingers into her vagina? 15 A. No. 16 Q. Did you put your hand inside her pants? 17 A. No. 18 Q. Now, when you heard of this accusation 19 being made against you, did you reach any 20 conclusion as to why Police Officer Hayburn was 21 saying these things about you? 22 A. Did I reach a conclusion? 23 Q. Yes. 24 A. I didn't necessarily reach a conclusion.</p>

1 I had some -- I had some thoughts. 2 Q. What were they? 3 A. That there was -- because I had just 4 come out -- I was just about to make chief 5 inspector and possibly deputy commissioner, 6 that, you know, there were forces that wanted to 7 see this stopped, and that there was some people 8 I knew that Police Officer Hayburn may have been 9 close to that I had to loudly reprimand one day 10 that may have been at work at this. 11 I also didn't put this past any of 12 my colleagues to, you know, manufacture, dig up, 13 whatever. I mean this is a business in which, 14 at times, people will stab you in the back. 15 Q. And people will lie? 16 A. Absolutely. 17 Q. And police officers will lie? 18 A. Absolutely. 19 Q. So these forces at work, give me names? 20 A. At the time I knew she was close to a 21 Lieutenant Smith that I had had to, in the 22 vernacular, get in his ass one day. 23 I am trying to think who else. You 24 know at the time there were -- like I said, I	Page 57 1 Hayburn. I can't recall their names, but at 2 some point I did have to shake up some of the 3 units. 4 We also had an officer, I know we 5 had an Officer Boritz that unfortunately tested 6 positively for cocaine, got fired. 7 I'm trying to think of -- like I 8 said, I know we did have to do some shakeups. 9 Q. As the inspector, you had the authority, 10 then, to determine where certain police officers 11 would be assigned, is that a true statement? 12 A. Only with respect to my particular unit. 13 Q. Right. 14 A. But not the entire division. 15 Q. Right. But within your unit? 16 A. Yeah. 17 Q. And you just testified that you think 18 that you made certain decisions that impacted 19 police officers that made them upset with you? 20 A. Absolutely. 21 Q. All right. And you had that power; 22 correct? 23 A. Yes, within that unit, yes. 24 Q. So you could -- and were there certain
Page 58 1 remember yelling at him and she was close to 2 him. 3 I'm not sure some of the other 4 people. I don't know who exactly, but I do 5 remember Tommy Smith. 6 Q. Other than Lieutenant Thomas Smith, can 7 you name any other person that you thought might 8 have been involved in getting Police Officer 9 Hayburn to make these allegations against you? 10 A. As I think now, I'm sure I, you know, 11 went through different people who, you know, 12 could have had contact with her that, you know, 13 maybe had grudges over the years. But I can't, 14 you know, clearly, as you bring it up now, other 15 than Tommy Smith. I know I had to make some 16 personnel decisions back in 2007 that some 17 people weren't happy with, sending people back 18 to their different units. 19 I believe Police Officer Harron had 20 to go back to the 25th. Police Officer Bennett, 21 I believe, I had to send back to his unit. 22 I'm trying to think. We did a 23 breakup some time in 2007 of people that worked 24 with -- worked in that unit and also worked with	Page 60 1 places to be sent that were considered better 2 than other places? 3 A. I guess. I don't know. 4 Q. Well, you were a police officer? 5 A. Yeah. 6 Q. I mean are there preferred places and 7 not preferred places? 8 A. I don't know. We were already in East 9 Division. 10 Q. Have you ever heard that the Southwest 11 Division is a place that most officers would 12 prefer not to work in, or the South -- yeah, the 13 Southwest? 14 A. No. 15 Q. You never heard that? 16 A. No. I've worked there. No. 17 Q. Why would -- so what did you do to 18 Lieutenant Smith that you think would cause him 19 to engage in a criminal conspiracy with a fellow 20 police officer to make these heinous allegations 21 against you? 22 MS. MORRIS: Objection. It 23 mischaracterizes his testimony. 24 BY MR. CONSOLE:

1 Q. You can answer. 2 A. Like I said, I remember -- I know they 3 were close and they would hang out occasionally. 4 Q. But what did you do to him? 5 A. He showed up at the Puerto Rican Day 6 parade late, and then I said you were supposed 7 to be here at a certain time. He kind of 8 grinned and said, Yeah, you know, but I had a 9 little issue. And I said, First of all, you 10 know, I don't want to hear that, you know, "I 11 had a little issue." You were supposed to be 12 here at a certain time. Get here at a certain 13 time. 14 And then I proceeded to just kind of 15 berate him for his attitude and his response to 16 me. 17 Q. Did you write him up? 18 A. No. 19 Q. So just based on that one incident you 20 think he would then work in a conspiracy with a 21 fellow police officer -- 22 A. Well -- 23 Q. -- to make false criminal allegations 24 against you?	Page 61 1 A. I don't know. But I know that I berated 2 him publicly, and, you know, he had the six foot 3 seven black inspector telling you, and you're a 4 white lieutenant, that, you know, first of all, 5 "wipe the fucking smile off your face," and 6 "when I address you, you will address me as 7 inspector or sir. Stand up straight. You were 8 supposed to be here at 7:30 like every other 9 swinging dick in my command. Why do I 10 continuously have to address shit like this on 11 the most important tactical day of the year?" 12 Which is the Puerto Rican Day parade. 13 Q. All right, so -- 14 A. So it was to that effect. 15 Q. No, I get it. 16 A. I'm not sure of those words. 17 Q. I appreciate the words and the way you 18 said it. 19 But -- and by the way -- 20 A. Yes, sir. 21 Q. -- do you agree -- 22 A. Please, ladies, forgive my use of 23 profanity in that way. But that was a 24 conversation to that effect that I had with
Page 62 1 A. I don't know. 2 MS. MORRIS: Objection. 3 Mischaracterizing his statement, his testimony. 4 MR. CONSOLE: I am not 5 mischaracterizing anything. I'm asking a 6 question. 7 MS. MORRIS: No. He never said 8 criminal conspiracy. That's your version of the 9 question. 10 MR. CONSOLE: Of course, that is my 11 version of the question. 12 BY MR. CONSOLE: 13 Q. Do you agree, Chief Inspector, that if 14 one police officer works with another police 15 officer to make a false allegation of sexual 16 assault, that that would be a criminal 17 conspiracy? 18 A. Yes. 19 Q. All right. So my question then is, is 20 it your testimony that based just on you 21 berating Lieutenant Smith on one occasion he 22 would engage in a criminal conspiracy with 23 Police Officer Hayburn to accuse you falsely of 24 sexual assault?	Page 62 1 Tommy Smith that morning. Because I do 2 remember, like I said, the way he walked in and 3 kind of sauntered and -- 4 Q. Lack of discipline? 5 A. It was at that time, yeah. 6 Q. And it's important for police officers 7 to show discipline; correct? 8 A. Yes. 9 Q. I mean, for example, if a police officer 10 shows up for work and they're not in attire that 11 meets the standard, would they be talked to? 12 A. Yeah. Or just saying, you know, put 13 such and such on. 14 Q. Shine your shoes? 15 A. Yeah, absolutely. 16 Q. It's part of the code of discipline; 17 correct? 18 A. Yeah. May I take a sip of water? 19 Q. Sure. Absolutely. Take as many sips as 20 you want. 21 Now, when you -- is part of the code 22 of discipline of being a police officer to not 23 have sexual activity with people that are your 24 subordinates?

<p>1 A. Back then, no.</p> <p>2 Q. Is it now?</p> <p>3 A. Yes, oh, yeah.</p> <p>4 Q. So back then being, what, 2006?</p> <p>5 A. 2006, yes. I don't believe the city</p> <p>6 even had a fraternization policy in 2006. I</p> <p>7 know it came -- it was formalized under Mayor</p> <p>8 Nutter some time around, I'm going to say,</p> <p>9 2009/2010.</p> <p>10 Q. Uh-huh. So as part of the -- if we go</p> <p>11 back into the time period of 2006/2007, it was,</p> <p>12 in your opinion, acceptable for a superior</p> <p>13 police officer to have sexual activity with a</p> <p>14 subordinate?</p> <p>15 A. It was, I would say it was acceptable to</p> <p>16 have a consensual relationship.</p> <p>17 Q. But do you agree with me, sir, that when</p> <p>18 one person is in a superior position of power</p> <p>19 over the other and they can affect their career</p> <p>20 in certain ways, that sometimes that can impact</p> <p>21 whether or not a person goes along with sexual</p> <p>22 activity?</p> <p>23 A. Sometimes it can, yes, sir, I would</p> <p>24 agree with you.</p>	<p>Page 65</p> <p>1 Q. Okay. And do you also agree with me</p> <p>2 that had you been trained to not engage in any</p> <p>3 type of sexual activity with a subordinate, you</p> <p>4 would not have done that?</p> <p>5 A. If it was mandated, not just trained, if</p> <p>6 it was mandated. So like I said, there was no</p> <p>7 clear guidelines then. The only guidelines that</p> <p>8 I remember stated, unwanted, nonconsensual,</p> <p>9 things of that nature.</p> <p>10 Q. All right. But if you had been told,</p> <p>11 you know, if you had been told back in 2007,</p> <p>12 2006, 2008 -- let's say 2008, you are not to</p> <p>13 have any type of sexual activity with a</p> <p>14 subordinate period, do you agree that if that</p> <p>15 was the rule, you would have abided by that</p> <p>16 rule?</p> <p>17 A. Absolutely.</p> <p>18 Q. All right. And for example, today, do</p> <p>19 you agree that you would not have any type of</p> <p>20 sexual activity with a subordinate?</p> <p>21 A. Right. Yes.</p> <p>22 Q. Okay.</p> <p>23 And the difference is you and other</p> <p>24 police officers have been trained differently in</p>
<p>1 Q. All right. So certainly when you say</p> <p>2 consensual, it really may not be consensual if a</p> <p>3 superior is having sexual activity with a</p> <p>4 subordinate because the subordinate might be</p> <p>5 afraid if they don't go along with it it's going</p> <p>6 to hurt their job; right?</p> <p>7 A. You are asking me to speculate. I, you</p> <p>8 know, I said sometimes. Again, in that second</p> <p>9 scenario you placed, I can't speak to that.</p> <p>10 Q. All right. Well, certainly it's a</p> <p>11 possibility?</p> <p>12 A. It is an absolute possibility counselor,</p> <p>13 yes.</p> <p>14 Q. And that would be a reason why a</p> <p>15 superior should never have any type of sexual</p> <p>16 activity with a subordinate?</p> <p>17 A. I would agree.</p> <p>18 Q. But, and just so that I am clear on</p> <p>19 this, but the way you were trained and how you</p> <p>20 were brought up in the police department, as of</p> <p>21 2008, let's say, you weren't trained that way,</p> <p>22 do you agree with that?</p> <p>23 A. It was a different time period, a</p> <p>24 different world, yes, sir.</p>	<p>Page 66</p> <p>1 the last eight years?</p> <p>2 A. No, not so much trained differently. I</p> <p>3 think I've gone through a personal catharsis in</p> <p>4 my personal life, my professional life. At this</p> <p>5 point, no, it is not training. But you got to</p> <p>6 understand, you know, a 10-minute kissing</p> <p>7 session, you know, costs me dearly. I mean, you</p> <p>8 know, obviously the discipline, having to come</p> <p>9 back from the discipline. Limiting my job</p> <p>10 prospects outside of here. So that's basically</p> <p>11 what, you know -- I mean I would sit here, I'd</p> <p>12 be, again in the vernacular -- excuse me</p> <p>13 ladies -- a horse's ass if I didn't learn</p> <p>14 anything for the last eight years.</p> <p>15 Q. Well, you said a ten-minute kissing</p> <p>16 session cost you a position?</p> <p>17 A. Yes.</p> <p>18 Q. Is that true?</p> <p>19 A. That's -- I believe it would have, yeah.</p> <p>20 Q. Well, I thought you testified earlier</p> <p>21 that you were demoted because you had sexual</p> <p>22 activity in a police vehicle?</p> <p>23 A. But I mean what came out was that I had</p> <p>24 kissed Christa Hayburn. It started an</p>

1 investigation that I had to talk about my 2 personal life. 3 Q. Were you ever in any way disciplined for 4 the sexual activity that you had with Police 5 Officer Hayburn? 6 A. The kissing I had with her, no. 7 Q. Well, were you in any way disciplined 8 with any other form of sexual activity -- 9 A. Yes. 10 Q. -- that you had with a police officer? 11 A. Yes. Conduct unbecoming for engaging in 12 contact with Denise inside -- 13 Q. Right. But the contact that you had -- 14 I'm focused on your interactions with Police 15 Officer Hayburn. 16 A. Okay, all right. 17 Q. Were you in any way ever disciplined for 18 the sexual activity that you admitted you 19 engaged in with Police Officer Hayburn? 20 A. I'd have to look at how the disciplinary 21 charges were worded. 22 Q. Well, as you sit here today, do you 23 recall ever having received discipline for that 24 activity?	Page 69 1 of -- again, I would have to refresh my 2 recollection as to the exact policy, but I know 3 it goes to a fraternization, not only with 4 sexual, but familial relationships too now. 5 Like I couldn't have my brother who's a cop 6 serve on my staff. 7 Q. Is your brother a cop? 8 A. Yeah. 9 Q. Okay. Where did you grow up, by the 10 way, what section? 11 A. Mount Airy. 12 Q. Holy Cross? 13 A. No. That's where I go now. I grew up 14 on the east end. 15 Q. So what grade school did you go to, 16 St. Therese's? 17 A. No. My brother went to St. Therese's, 18 St. Therese, yeah, St. Therese. I went to 19 Edmonds, public school. 20 Q. But let's go back, going back to this 21 issue. 22 A. Yes, sir. 23 Q. If a police officer said to you, okay, 24 but Chief Inspector, it's consensual, I want to	Page 71
Page 70 1 A. I'm not sure. Like I said, everything 2 came down at once, and it was a general conduct 3 unbecoming. 4 Q. Right. But isn't it true, sir, or Chief 5 Inspector, isn't it true that the conduct 6 unbecoming had to do with the fact that you had 7 sex in a vehicle and that was related to your 8 admission that you ejaculated in the vehicle 9 with this person we call Denise? 10 A. Yes. 11 Q. Okay. 12 Now, and just so that I am clear, 13 because I want to follow up a little bit on this 14 training concept. 15 A. Yes, sir. 16 Q. If today in your chief inspector role, 17 if a police officer, or let's say an inspector, 18 came to you and said, is it okay if I kiss a 19 subordinate that reports to me, what would be 20 your response? 21 A. Don't do it, no. 22 Q. And your response would be that it would 23 not be acceptable? 24 A. Right. Because we have a policy now	Page 70 1 kiss her, would you still say no? 2 A. I would still say, yeah, no, because -- 3 if the person works directly under you. 4 Now, if you're somebody who's 5 married to so and so and you happen to be a 6 chief inspector and your wife happens to be a 7 police officer, which that happens, you know, we 8 have that, yeah, go ahead and kiss your wife. 9 Q. There's a wife exception? 10 A. Or if it is somebody you are involved in 11 a relationship with, but they are not a report. 12 They don't report to you, yeah. 13 Q. And is this a written policy that exists 14 that you cannot have sexual activity with a 15 subordinate? 16 A. I would have to reflect -- refresh my 17 recollection on -- because we have changed, due 18 to our accreditation policy, we have changed the 19 directives. If I were being permitted, I would 20 look at the old Directive 97, which I now 21 believe is Directive 8.7. 22 Q. When did 97 become 8.7? 23 A. It was a gradual change. I believe some 24 time in 2013/14 that all the directives were	Page 72

Page 73	Page 75
1 renumbered and Commissioner Ramsey kind of 2 placed them into a category, so to speak, be it 3 operational, personnel. 4 Q. What year did you say, I'm sorry? 5 A. I believe it was a systematic and 6 gradual shift. I believe they were all changed 7 some time in '13/'14. 8 Q. Got it. 9 A. I mean I could be mistaken, counselor. 10 Q. That's okay. I'd like to direct your 11 attention to Exhibit P-1. P-1 was previously 12 marked in a deposition of Chief Inspector 13 Flacco. 14 A. Uh-huh. 15 Q. And it appears to be, by caption, 16 Directive 97. 17 A. Okay. 18 Q. Have I identified it correctly? 19 A. Yes. 20 Q. Okay. And then the subject -- 21 A. Can I have one second? Yeah, because I 22 need to take my glasses off to read. 23 Q. Okay. 24 A. Okay? But I'll have to put them back on	1 Q. "Sexual harassment is not limited to the 2 actual commission of a sexual act. It is sexual 3 harassment if one employee attempts to impose 4 their sexual desires, will or wish, fantasy or 5 preference, on another employee through an 6 offensive act, deed, gesture or comment, and 7 such conduct interferes with the employee's 8 terms or conditions of employment." 9 Have I read that correctly? 10 A. Yes. 11 Q. Does that definition of sexual 12 harassment, is that the same as you understood 13 the definition of sexual harassment to be in 14 2006, '07, and '08? 15 A. Yes. 16 Q. Okay. 17 Now, I'd like to direct your 18 attention to Detective Vandegrift. 19 A. Yes. 20 Q. Detective Vandegrift is in the room; 21 correct? 22 A. Correct. 23 Q. When did you first -- actually, I'm 24 sorry.
Page 74	Page 76
1 to see. 2 Q. Okay, I get it. 3 This is an equal employment 4 complaint procedures -- 5 A. Right. 6 Q. -- directive, and the effective date is 7 10-21, 2011; correct? 8 A. Yes, sir. 9 Q. Was this Directive 97 in place back in 10 2006? 11 A. I believe it was. 12 Q. Okay. 13 If we look, if we turn to Page 2 of 14 this document under the Roman numeral II, 15 "Prohibited Conduct," do you see in Subparagraph 16 A(2) where the phrase "Sexual Harassment" 17 appears? 18 A. Yes. 19 Q. Okay. And I'll read it with you. It 20 says, quote, Sexual harassment: Employees are 21 explicitly prohibited from engaging in any 22 conduct that would violate the city's sexual 23 harassment policy." 24 A. Uh-huh.	1 MS. MORRIS: You can close the book. 2 THE WITNESS: Oh. 3 BY MR. CONSOLE: 4 Q. Actually, while you have the book open, 5 let's go back to some other points that are in 6 the book. 7 At some point in time, Chief 8 Inspector, was there publicity that had been 9 generated based on allegations made against you? 10 A. Yes. 11 Q. And if you could turn to Exhibit P-6. 12 MS. MORRIS: Counsel, at some point, 13 can we take a comfort break? 14 MR. CONSOLE: Oh, sure. Let's take 15 a comfort break right now. 16 MS. MORRIS: Thank you. 17 THE WITNESS: Okay, so I don't turn. 18 VIDEO SPECIALIST: The time is 19 11:39 a.m. Off the record. 20 (Recess.) 21 VIDEO SPECIALIST: The time is 22 11:49. We are back on the record. 23 BY MR. CONSOLE: 24 Q. Chief Inspector, let me go back before

	Page 77	Page 79
<p>1 we get into the documents -- 2 A. Okay. 3 Q. -- to the chronology of your positions 4 with the police department. 5 We were going through that, and we 6 talked about the demotion to captain in 2008 -- 7 A. Uh-huh. 8 Q. -- for conduct unbecoming an officer; 9 correct? 10 A. Yes. 11 Q. All right. What was your next position 12 after captain? 13 A. Inspector. After 2008? 14 Q. Yes. 15 A. I'm not being difficult. 16 Q. Right. 17 A. So after 2008, in 2010, as a result of a 18 settlement with the city, I was restored to the 19 rank of inspector. 20 Q. Okay. And explain to me the settlement? 21 A. I'm unclear on it. I know I was 22 restored to rank, effective to March 15th, 2002, 23 which would indicate no interruption in 24 longevity as an inspector.</p>	<p>1 A. Again, not being difficult, I don't know 2 what the process was. I got a call and said, 3 the city is willing to do A, and I was not 4 satisfied with that. So I stated my concerns. 5 And then the next time I heard from 6 the city, which was a few months later, the 7 proposal was to -- 8 Q. Reinstate you? 9 A. Right, reinstate me and make the 10 restatement retroactive to the March 2002 date. 11 Q. In terms of, were you then paid certain 12 money to make you whole? 13 A. No. 14 Q. Had you had a pay cut? 15 A. Yes. 16 Q. Okay. And did you have a lawyer 17 representing you? 18 A. Yes. 19 Q. Who was the lawyer? 20 A. He's deceased now. Jennings, Tom 21 Jennings. 22 Oh, the actual attorney was Gelman. 23 Mark Gelman, is it? Or Gelman. I'm not sure of 24 his first name.</p>	
<p>1 Q. Right. 2 A. And I'm not being -- 3 Q. I understand. 4 A. To articulate it -- I believe that's 5 how -- I do not have those documents in front of 6 me. Perhaps you do. 7 Q. The settlement, was that a result of you 8 challenging the demotion? 9 A. Yes. 10 Q. And was that through arbitration? 11 A. No. 12 Q. Did you bring a lawsuit? 13 A. No. 14 Q. How did you challenge the demotion? 15 A. I challenged it through a grievance, 16 which typically leads to an arbitration. 17 However, there was no arbitrator. There was no 18 arbitration. We were not sworn. What would be 19 another term? Impanelled. 20 Q. Was it a mediation? 21 A. No, no. It was an offer of settlement, 22 so that's the term. I'm sorry. 23 Q. And was this through a collective 24 bargaining agreement process?</p>	<p>1 Q. Okay. 2 A. But Jennings, who is deceased, was the 3 -- held the contract for the FOP. I believe he 4 just died within the last three to six months. 5 Q. Did the claim, did you bring a claim of 6 race discrimination in connection with the 7 demotion? 8 A. No. 9 Q. So was your claim entirely related to 10 the fact that you thought the disciplinary 11 action taken against you was inappropriate? 12 A. Lack of due process, yes. 13 Q. Lack of due process? 14 A. Yes. 15 Q. Okay. 16 A. I had never -- that discipline was 17 imposed as a result of commissioner's direct 18 action. So I never got to go before a police 19 board of inquiry, or anything like that, and 20 cross-examine the witnesses who made statements 21 against me. 22 Q. But I understood that the demotion was 23 related to the statements you made, to your 24 admissions?</p>	

<p>1 A. I don't -- again, I don't have that 2 paperwork in front of me. I remember just being 3 called into Commissioner Ramsey's office and 4 saying, this is the action I'm taking.</p> <p>5 Again, I'm not exactly sure how the 6 paperwork read, but obviously I filed a 7 grievance through the FOP and the collective 8 bargaining agreement.</p> <p>9 MR. CONSOLE: All right. Let's have 10 this document marked as Exhibit P-11.</p> <p>11 (P-11 was marked for 12 identification.)</p> <p>13 THE WITNESS: Am I going to have to 14 read anything, sir?</p> <p>15 BY MR. CONSOLE:</p> <p>16 Q. Yes. Or I can read it for you. You 17 will remove the glasses for this.</p> <p>18 A. That's all. I mean, yeah, okay.</p> <p>19 Q. All right, if you look at Exhibit P-11, 20 there is a Bates stamp, which is a stamp down in 21 the lower right-hand corner, of City1027 through 22 City1064.</p> <p>23 Do you see that?</p> <p>24 A. Right.</p>	<p>Page 81</p> <p>1 "The IAD investigation could not 2 establish if sexual interaction, other than 3 kissing, as described by Police Officer Hayburn 4 in her complaint, occurred on January 6th, 2006, 5 between Inspector Holmes and she, and if so, 6 whether it was by consent, force, threat of 7 force, compulsion and/or diminished capacity."</p> <p>8 New paragraph. "The investigation 9 found no eyewitness account to the event, no 10 forensic evidence was recovered from Hayburn's 11 clothing, nor was there any other evidence (area 12 video, still surveillance photos, et cetera) 13 excluding the contents of the city's Dodge 14 Durango found to exist. There was forensic 15 evidence, "spermatozoa," establishing male 16 sexual activity occurring at some point in time 17 in Inspector Holmes city-issued Dodge Durango. 18 However, it could not be said exactly when, 19 where, and under what set of circumstances it 20 was transferred onto seat's fabric, and absent 21 DNA comparisons, it could not be attributed to 22 any specific donor."</p> <p>23 Paragraph. "The IAD investigation 24 sustained improper conduct by Inspector Carl</p>
<p>1 Q. And this document is the IAD internal 2 investigation with a date of April 18th, 2008; 3 is that correct? The front page you will see 4 that.</p> <p>5 A. Okay.</p> <p>6 Q. All right. Now, if we turn to the last 7 page, which is the conclusion of this document.</p> <p>8 A. Uh-huh.</p> <p>9 Q. And I want to read this. It is not that 10 long, so let's read it together. But I will 11 read it out loud.</p> <p>12 "Conclusion: The allegation of 13 sexual assault of off duty Police Officer 14 Christa Hayburn, No. 6334, by off duty Inspector 15 Carl Holmes, Payroll No. 2006865, EPD, on 16 January 6th, 2006, is not sustained."</p> <p>17 A. Okay.</p> <p>18 Q. "The IAD investigation could not 19 establish" --</p> <p>20 A. One second.</p> <p>21 Q. Sure.</p> <p>22 A. I just want to -- I didn't want to -- 23 okay, I'm with you.</p> <p>24 Q. All right. Continuing.</p>	<p>Page 82</p> <p>1 Holmes, Payroll No. 206865, EPD, in engaging in 2 sexual relations either inside of or involving 3 his city-issued Dodge Durango."</p> <p>4 Paragraph. "Inspector Holmes in his 5 IAD interview, when questioned about the 6 recovery of spermatozoa from inside his Vehicle 7 No. I0003 during the IAD investigation, through 8 his own admission, attributed to one of two 9 consensual acts" -- I'm sorry, "consensual 10 sexual acts involving him in the Durango, and 11 the same unidentified, unknown civilian female, 12 both events taking place in the summer of 2007 13 while he was off duty and in civilian attire."</p> <p>14 New paragraph. "A copy of this 15 report will be sent to the commanding officer, 16 Police Board of Inquiry for Action, and then 17 reviewed by the Chief Inspector Patrol Bureau. 18 Signed by Inspector Robert Small, Commanding 19 Officer Internal Affairs Division."</p> <p>20 Have I read that correctly, sir?</p> <p>21 A. You have.</p> <p>22 Q. Now, does this conclusion, as we read 23 it, refresh your recollection that the 24 discipline that was -- that you sustained had</p>

1 nothing to do with the interactions that you had 2 with Police Officer Hayburn? 3 A. No, only because, and I'm going to -- 4 may I preface this when I say no? I've never 5 seen this document until today. 6 Q. Okay. 7 A. So no, this particular document did 8 not -- but, I mean, as you read it, okay, I now 9 see this, but I have never seen this document 10 until today. 11 Q. Okay. 12 Let me have this document marked as 13 <u>P-12</u> . 14 (<u>P-12</u> was marked for 15 identification.) 16 THE WITNESS: Okay. We're reading 17 again, sir? 18 BY MR. CONSOLE: 19 Q. Yes, we are. 20 Actually, before we go to <u>P-12</u> , I 21 still have to finish your chronology of ranks. 22 A. Okay. 23 Q. So in 2010, you're reinstated 24 retroactively to inspector?	Page 85 1 recollection -- I've seen it in a different 2 format -- but it's IAB history. 3 Q. Okay. And IAB stands for what? 4 A. Internal Affairs Bureau. 5 Q. Okay. And I don't want to spend too 6 much time on this document, but I'm just trying 7 to zip through certain things. 8 A. Uh-huh. 9 Q. This document suggests to me, as I read 10 it, that on April 16, 1990, there was a physical 11 abuse allegation that was not sustained 12 involving you. 13 Am I reading that correct? 14 A. Yes, uh-huh. 15 Q. Okay. And as we -- for example, on 16 March 4th, 1991, there's another physical abuse 17 allegation not sustained; correct? 18 A. Uh-huh. 19 Q. Now, if we look at the next entry on 20 that page -- I'm sorry. Turn to the next page. 21 A. Uh-huh. 22 Q. For January 5th, 1992, there was a 23 classification called "Procedural Disposition Completed." Page 86 1 A. Right. 2 Q. And when do you next have a rank change? 3 A. After 2010? 2012. 4 Q. At that time you become chief inspector? 5 A. I get promoted to chief, yes. 6 Q. And is that your current position? 7 A. That's my current position. 8 Q. Have we now covered all of the positions 9 that you have held at the police department? 10 A. Yes, sir. 11 Q. All right. Turning to Exhibit <u>P-12</u> . 12 This appears to be a concise officer history 13 related to chief inspector Jr. -- Police 14 Inspector Carl Holmes, Jr. 15 A. But it does say, "chief inspector Jr. 16 Carl Holmes," yes, you are right. 17 Q. And it is City Document 1553 through 18 1556, is the Bates number. 19 A. Right. 20 Q. Have you seen something like this 21 before? 22 A. Yes. 23 Q. What is it? 24 A. It's, I guess this, from the best of my	Page 87 1 recollection -- I've seen it in a different 2 format -- but it's IAB history. 3 Q. Okay. And IAB stands for what? 4 A. Internal Affairs Bureau. 5 Q. Okay. And I don't want to spend too 6 much time on this document, but I'm just trying 7 to zip through certain things. 8 A. Uh-huh. 9 Q. This document suggests to me, as I read 10 it, that on April 16, 1990, there was a physical 11 abuse allegation that was not sustained 12 involving you. 13 Am I reading that correct? 14 A. Yes, uh-huh. 15 Q. Okay. And as we -- for example, on 16 March 4th, 1991, there's another physical abuse 17 allegation not sustained; correct? 18 A. Uh-huh. 19 Q. Now, if we look at the next entry on 20 that page -- I'm sorry. Turn to the next page. 21 A. Uh-huh. 22 Q. For January 5th, 1992, there was a 23 classification called "Procedural Disposition Completed." Page 88 1 Do you know what that means? 2 A. No. 3 Q. All right. And then it says, "Charges. 4 Article 1, conduct unbecoming an officer 5 January 5th, 1992, guilty, five days, 6 January 5th, 1992." 7 Do you know what that is referring 8 to? 9 A. Yes. 10 Q. What is that referring to? 11 A. There is a guilty -- hold on. 12 Do you know what? No. The way this 13 reads, I don't. 14 Q. Well, did you ever receive any 15 discipline? 16 A. In 1992, yeah, but not in January. 17 Q. All right. What did you receive 18 discipline for in 1992? 19 A. For an incident involving an allegation 20 of physical abuse. 21 Q. Was it concluded that you had engaged in 22 physical abuse? 23 A. It was. 24 Q. Did you deny it?
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1 A. I did. 2 Q. Were you punished for that? 3 A. I was. 4 Q. How were you punished? 5 A. Commissioner's direct action in the 6 summer of 1992. 7 Q. And was this a complaint made by a 8 civilian? 9 A. It was. 10 Q. And did the civilian say that you 11 physically abused them? 12 A. Yes. 13 Q. What did the civilian say you did? 14 A. That I threw him against a car and 15 grabbed him by the neck, or something of that, 16 something -- I mean that I had thrown him 17 against a car and then I arrested him for being 18 intoxicated. 19 And he said that he had had a kidney 20 transplant. Somehow I injured his kidney that 21 had been transplanted, or the kidney that had -- 22 yes, that's the word, transplanted. 23 Q. Were there witnesses to this event? 24 A. I don't know.	Page 89	1 Q. What was it related to, do you 2 remember -- 3 A. The investigation. 4 Q. Into the physical abuse -- 5 A. Right. 6 Q. -- issue you just testified to? 7 A. Right. 8 Q. And did you take that to an arbitration 9 award? 10 A. Yes. 11 Q. And in the arbitration award, did you 12 prevail? 13 A. Well, we never had an arbitration. We 14 were prepared to go forward, and the city was 15 not prepared to go forward that day. So we then 16 entered into a settlement agreement. 17 But that settlement agreement, 18 again, if I may, if you'll allow me to go 19 through the dates as I remember them, sir? 20 Q. Yes. 21 A. Okay. If I can, in the summer of 2000 22 -- I'm sorry. In the summer of 1992, I did not 23 receive -- I was given a set of 7518's, which is 24 a, you know, our disciplinary charges. I pled	Page 91
1 Q. Now, under that, it looks like it 2 says, "Statute 1.12, making a false statement in 3 a department investigation." 4 A. Right, yes. 5 Q. Were you accused of that? 6 A. I was accused of that. 7 Q. Were you found guilty of that? 8 A. I don't know. 9 I mean it says guilty, but again, 10 this is confusing me because it says, "Related 11 actions taken, October 14, 2007, arbitration 12 award." 13 Q. Right. I am going to get to that. But 14 let's talk about the false statement in the 15 department investigation. 16 A. Right. 17 Q. Were you accused of that? 18 A. I was. 19 Q. By whom? 20 A. I believe internal affairs. 21 Q. And what did they say that you had 22 falsely stated? 23 A. I don't remember what they said I 24 falsely stated.	Page 90	1 not guilty. I did not hear anything for about 2 six weeks, and then I was informed that I was 3 being suspended for 20 days. 4 At that point, on my behalf, the 5 bargaining unit, the FOP, filed a grievance. 6 That grievance was scheduled to be heard before 7 an arbitrator some time in the early part of 8 1994. We showed up at the American Arbitration 9 offices and were informed that the city and 10 their witnesses were not ready to proceed. 11 Mr. Jennings, who was handling the 12 case personally, objected. At that point, a 13 settlement was crafted. That settlement award 14 returning me, making me whole, was executed some 15 time in the spring of 1994. 16 So that's why I'm confused with this 17 October 14th, 2007 arbitration award. I have no 18 idea what that means. 19 Q. Have you ever been -- have you ever 20 tested positive in a drug test? 21 A. Yes. 22 Q. How many times? 23 A. Twice. 24 Q. For what?	Page 92

1 A. Codeine and my back medicine, whatever. 2 Yeah. 3 Q. Were you disciplined for that? 4 A. No. I had prescriptions for them. 5 Q. Okay. 6 A. So I mean I wasn't abusing them. 7 Q. Right. 8 A. I needed them. I have a bad back as we 9 sit here today. 10 Q. Have you been disciplined -- so far you 11 have testified to certain disciplinary actions. 12 You just testified to one. You testified to the 13 other involving the sex, sexual activity in the 14 police vehicle and the results of that. 15 Has there been any other time where 16 you have been disciplined? 17 A. Not that I recall, no. And again, with 18 respect to the Codeine, I had the flu. 19 Q. I know. I'm not saying, I am not 20 suggesting that you were in any way improper. 21 A. Okay. Well, I mean when you say to a 22 police officer about drugs, sir -- 23 Q. Well, I just asked you if you had tested 24 positive and I asked you to explain it.	Page 93	1 Q. Were you ever brought up on charges 2 about that? 3 A. No. 4 Q. Turning, let's turn our attention back 5 to the document that I was about to have you 6 look at before the break, which is Exhibit P-6. 7 And this is -- 8 A. I can't open the book with the glasses. 9 Q. What's that? 10 A. I didn't want to hit your glasses with 11 the book. 12 Q. There we go. P-6. 13 A. Okay. 14 Uh-huh. 15 Q. This is a, what appears to be an 16 article, it is now on Philly.com. I think it 17 was from the Daily News, or the Inquirer, 18 actually The Inquirer. 19 A. Uh-huh. 20 Q. That was posted initially on May 3rd, 21 2008. And this is referring to you; correct? 22 A. Yes. 23 Q. There's a reference here to Wadud Ahmad 24 as your attorney?	Page 95
1 A. I understand. 2 Q. I mean that's a legitimate question. 3 A. Yes, sir, it is, it is. 4 Q. But why does the police department test 5 their police officers? 6 A. To make sure we're not impaired with 7 illegal substances -- 8 Q. Right. 9 A. -- or abusing -- 10 Q. Right. 11 A. -- substances of -- 12 Q. Right. 13 A. -- prescriptions, legitimate 14 prescriptions. No, I understand, but like I 15 said. 16 Q. Were you ever accused of improperly 17 discharging your firearm? 18 A. No. 19 Q. Wasn't there some accusation made that 20 you had shot a raccoon? 21 A. I did shoot a raccoon. 22 Q. All right. Were you ever disciplined 23 for that? 24 A. No.	Page 94	1 A. Yes. 2 Q. And was he your attorney in connection 3 with the investigation into Police Officer 4 Hayburn's allegations of sexual assault? 5 A. His firm handled it. 6 Q. And which firm, is that the Jennings 7 firm? 8 A. No. 9 Q. What firm is that? 10 A. Ahmad and Zaffary -- Zaffarese. 11 Q. Okay. 12 Did you ever, did you take any 13 action based on this article being published? 14 MS. MORRIS: Objection. 15 THE WITNESS: No. 16 BY MR. CONSOLE: 17 Q. Your lawyer says, quote, He" -- 18 referring to you, Chief Inspector -- "was 19 cleared of any wrongdoing in terms of any 20 alleged sexual misconduct." 21 Have I read that correctly? 22 A. Yes. 23 Q. That's not accurate, is it? 24 A. I don't know.	Page 96

<p>1 Q. I mean weren't you found to have 2 improperly engaged in sexual activity in your 3 police vehicle? 4 A. Yes. 5 Q. And that was both misconduct and 6 misconduct of a sexual nature; correct? 7 A. Yes. 8 Q. If you could turn, please, to Exhibit 9 P-8. This is another article. 10 A. That's P-8. 11 Q. All right. And this is an article 12 originally posted in the Daily News on 13 November 7th, 2012. The heading is, "Ramsey 14 Won't Promote Two Cops Accused in Daily News 15 Stories." 16 There's a photograph of Captain 17 Anthony Washington there; correct? 18 A. That is. 19 Q. All right. And have you read this 20 article before today? 21 A. Yes. 22 Q. If we turn to the second page of Exhibit 23 P-8, it says -- and this is on the next to the 24 last paragraph -- well, I'll read both</p>	<p>Page 97</p> <p>1 Q. Is that correct, that the city has 2 settled three lawsuits against you for \$109,500? 3 A. I don't know. 4 Q. Have there been lawsuits initiated based 5 on -- in which you have been named as a 6 defendant? 7 A. Yes. 8 Q. And have they all been resolved? 9 A. I don't know. 10 Q. All right. And were the lawsuits -- 11 were any of the lawsuits alleging inappropriate 12 sexual conduct on your part? 13 A. No. 14 Q. Were they all related to issues of use 15 of physical force? 16 A. Yes. 17 Q. This reference to you shooting a worker 18 away with a gun, do you deny that allegation? 19 A. Yes. 20 Q. After Police Officer Hayburn made the 21 accusations of sexual assault involving you, did 22 you interact with her at all? 23 Yes, put your glasses back on. 24 A. Yes. Wait a minute. I'm sorry. Say</p>
<p>1 paragraphs. I'll read the one starting 2 with "Holmes, meanwhile." So it says, quote, 3 Holmes, meanwhile, was accused in 2008 of 4 coercing a female cop, Christa Hayburn, into 5 committing a sex act and physically violating 6 her after a work-related party in 2006. Ramsey 7 demoted Holmes to rank of captain following an 8 internal affairs investigation." 9 New paragraph. "The city has 10 settled three lawsuits against Holmes during his 11 22-year career for \$109,500. In July 2010, a 12 Comcast employee called 911 and reported that a 13 man who fit Holmes' description used a gun to 14 shoo the worker away after he stopped at Holmes' 15 house for a neighborhood survey." 16 New paragraph. "Internal affairs 17 has two open investigations on Holmes. One 18 centers on an allegation of inappropriate 19 behavior with a female subordinate, which Ramsey 20 said is unlikely to be sustained. The other 21 concerns an incident in which Holmes allegedly 22 shot a raccoon outside of his house." 23 Have I read that correctly? 24 A. Yes.</p>	<p>Page 98</p> <p>1 that again. 2 Q. After Police Officer Hayburn made the 3 accusations of sexual assault against you, did 4 you interact with her? 5 A. No, I did not. After that allegation in 6 2008, I had no contact or interaction with her. 7 Q. And other than -- if we exclude the 8 accusation that she made against you, do you 9 have any reason to question Police Officer 10 Hayburn's integrity? 11 A. Yes. I mean based on that allegation. 12 But other than that? 13 Q. Other than that. 14 A. Yes. 15 Q. All right. Tell me what other facts you 16 have to question her integrity? 17 A. I was told by another police commander 18 that she had been under investigation for fraud 19 -- fraudulently obtaining benefits -- 20 fraudulently obtaining benefits. 21 I'm sorry. I'm dry mouth. May I 22 have some water? 23 Q. Sure. 24 A. I tend to articulate better.</p>

1 Q. Anything else that made you question 2 Police Officer Hayburn's integrity? 3 A. It came to light that she claimed to be 4 injured and unable to work, yet she was running 5 marathons or had ran a marathon. 6 Q. Right. 7 A. But so yes, I would question her 8 integrity. 9 Q. All right. Anything else? 10 A. I'm trying to think what else. 11 No, other than the marathon and the 12 injury, but no. 13 Q. And at the time when you appointed her 14 to the task force, did you have any reason to 15 question her integrity? 16 A. Nope, no. 17 Q. Let's turn to Detective Vandegrift. 18 When did you first work with Detective 19 Vandegrift? 20 A. I was the inspector at the academy when 21 she went through. 22 Q. Okay. 23 A. I think she went through in 2003/2004. 24 Q. How would you describe her as a cadet?	Page 101	1 to? 2 A. Deputy Commissioner Myron Patterson. 3 Q. And Deputy Commissioner Patterson 4 reports to whom? 5 A. Police Commissioner Ross. 6 Q. And up until January of this year, were 7 you two levels below Commissioner Ramsey? 8 A. Yes. Probably, yeah, about that. Yeah. 9 Q. Now, so when you became inspector in 10 East in 2005, what was the rank of either Police 11 Officer or Detective Vandegrift? 12 A. She would have been a police officer, I 13 believe. 14 Q. Okay. And did you inherit her or did 15 you bring her into the group? 16 A. Into what group? 17 Q. Into the East Division. 18 A. I didn't bring her into the East 19 Division. She -- I'm not sure when she 20 graduated, but she would have probably gone to 21 East before I got back to East. I was in East 22 from -- if I can chronologically. 23 Q. Yes. 24 A. I was in East from 2002 until 2003.	Page 103
1 A. Good cadet. 2 Q. Did you work with her after she became a 3 police officer? 4 A. She was in my command in East when I 5 went back to East. 6 Q. From when to when? 7 A. I went back to East I believe in 2005. 8 Q. And when you went back to East in '05, 9 2005, you were the inspector; is that correct? 10 A. Yes. 11 Q. All right. And when you were the 12 inspector in East -- you were the inspector in 13 East in 2005 until when? 14 A. Until 2008. 15 Q. Okay. 16 And while you were the inspector in 17 East, who was your immediate supervisor? 18 A. I believe it would have been Tony 19 DiLacqua. He was chief of patrol then. 20 Q. Tony DiLacqua? 21 A. Yes, chief inspector then. 22 Q. Chief inspector? 23 A. Yeah. 24 Q. By the way, currently, who do you report	Page 102	1 Q. Uh-huh. 2 A. I then went to narcotics. I was in 3 narcotics from 2000 -- I was only in narcotics 4 for about three months. I then went up to the 5 police academy so I could study for the Bar 6 exam, and I stayed at the police academy for 7 about two years. And then went back to East in 8 2005. 9 Q. All right. So when you returned to East 10 in 2005, was Police Officer Vandegrift there? 11 A. I believe so. Yeah, yeah. Because she 12 would have graduated. I remember she graduated 13 2004, 2003, yeah. 14 Q. Okay. 15 A. 2004 probably. 16 Q. And you left East in 2008? 17 A. Yes. 18 Q. And was that a result of the -- 19 A. Yes. 20 Q. -- issue with Christa Hayburn? 21 A. Yes, absolutely. 22 Q. All right. Between 2005 when you joined 23 East and when you left East in '08, was Police Officer Vandegrift always holding the rank of	Page 104

1 police officer? 2 A. To my -- yeah, I think so, yeah. 3 Q. And as a police officer, did she report 4 directly to you? 5 A. No. 6 Q. To whom did she report? 7 A. She would have reported to a sergeant. 8 Q. Ultimately up to you, then; correct? 9 A. Yes. Sergeant, lieutenant, captain. I 10 believe her captain at that time would have been 11 Dave Mockus, who I would have supervised. 12 Q. It goes sergeant, captain, to inspector? 13 A. Yeah. I have no idea who her sergeant 14 or her lieutenant would have been. 15 Q. Okay. In the times that you worked with 16 Police Officer Vandegrift or when she worked 17 under you as inspector, did she engage in any 18 conduct that you found to be unbecoming a police 19 officer? 20 A. No. 21 Q. Did she engage in any conduct that made 22 you question her integrity? 23 A. No. 24 Q. Did she engage in any conduct that made	Page 105	1 was attractive? 2 A. That I don't recall, no. 3 Q. Do you think she's attractive? 4 A. Yes. 5 MS. MORRIS: Objection. 6 THE WITNESS: Oh. 7 BY MR. CONSOLE: 8 Q. Did you ever call her cell phone? 9 A. I may have. I don't know. 10 Q. Did you have her cell phone number? 11 A. If I called it, yeah. I probably did. 12 Q. As you sit here today, do you recall 13 having her cell phone number? 14 A. Specifically probably, yes. I think I 15 did have her phone number. 16 Q. Did you ever fantasize having sex with 17 her? 18 A. No. 19 Q. Did you ever want to have sex with her? 20 A. No. 21 Q. Did you ever tell her you wanted to have 22 sex with her? 23 A. No. 24 Q. Did you ever tell anybody else you	Page 107
1 you think she was not a person who told the 2 truth? 3 A. No. 4 Q. Did there come a point in time when 5 Police Officer Vandegrift and you -- were you 6 ever alone together? 7 A. I don't know. I mean I know I've 8 been -- I've seen her at parties. I think we 9 had -- we drank one time somewhere. I'm not 10 sure. I mean it was many years ago. I know 11 I've talked to her with -- you know, in the 12 station and talked to her -- I've actually 13 talked to her at the police academy. So yes, 14 there's been times where we've been alone, yeah. 15 Q. Were you ever alone with her socially? 16 A. Again, I remember being in a bar. I'm 17 not sure if it was a party or hanging out. But 18 I've been -- I've drank with her, yeah. I do 19 remember having a drink. 20 Q. Do you ever remember touching her? 21 A. No. 22 Q. Never put your arm around her? 23 A. Not that I remember. I mean no. 24 Q. Did you ever tell her you thought she	Page 106	1 wanted to have sex with Police Officer 2 Vandegrift? 3 A. No. 4 Q. In, let's say, March 1st, let's say, of 5 2007, did you have an office? 6 A. I had an office, yes. 7 Q. Where was the office located? 8 A. March of 2007, East Division. It would 9 have been the second floor of 3901 Whitaker. 10 Q. And did the office have a door? 11 A. Yes. 12 Q. Did the door have windows? 13 A. No. 14 Q. Did you recall ever being, there ever 15 being a time when Detective -- I'm sorry, when 16 Police Officer Vandegrift was in your office? 17 A. I can't recall specifically. I don't 18 know. 19 Q. So she might have been? 20 A. Yeah. 21 Q. Was there ever a time when she was in 22 your office and you asked her how wet she was, 23 words to that effect? 24 A. No. No.	Page 108

Page 109	Page 111
<p>1 Q. Have you ever used that expression with 2 a female, asking them how wet they are? 3 MS. MORRIS: Objection. 4 THE WITNESS: Not that I recall. 5 BY MR. CONSOLE: 6 Q. Do you agree that that's a sexually 7 explicit question? 8 A. I would agree with that, yes. 9 Q. All right. And as you understand that 10 question and you hear it now, you think it is 11 referring to wet in a sexual sense involving 12 female genitalia? 13 A. Yes. I mean the way you preferred it 14 and your body language and everything, yeah. 15 Q. Well -- not my body language, but the 16 question. 17 A. Okay. 18 Q. The question if a male officer said to a 19 female, how wet are you, would that suggest to 20 you -- 21 A. Absolutely, that would suggest a sexual 22 connotation, absolutely. 23 Q. All right. Did you ever stick your 24 hands down the pants of Police Officer</p>	<p>1 Q. Do you know, what is now Detective, do 2 you know Detective Vandegrift's brother? 3 A. No. 4 Q. Do you know Detective Vandegrift -- 5 A. I mean I know she has a brother who's a 6 cop. I don't know him. 7 Q. Do you know that Detective Vandegrift's 8 husband is a police officer? 9 A. I've subsequently learned that during 10 the course of preparing for this investigation. 11 Q. But do you know him? 12 A. No. Don't know him at all. 13 Q. When did you first learn that there was 14 an allegation made by then Detective Vandegrift 15 that you had sexually assaulted her? 16 A. I first learned of this allegation some 17 time late November/December 2014. 18 Q. And as of December of 2014, did you have 19 any reason to think that Detective Vandegrift 20 had any type of grudge against you? 21 A. Well, I didn't -- at first I didn't know 22 who Vandegrift was when this came to me. And 23 then the way it came to me said somebody -- 24 Detective Vandegrift from East Detectives said</p>

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<p>1 Lieutenant Tommy Smith that you talked about 2 earlier. Did you think that you had ever done 3 anything to Detective Vandegrift that would 4 cause her to have a beef with you?</p> <p>5 A. No, no.</p> <p>6 Q. Let me direct your attention to exhibit 7 -- if you turn in the book to Exhibit P-4, 8 please.</p> <p>9 Now, this is a -- let's make sure 10 you find it first. This is a lengthy document, 11 and we are not going to review it all. That's 12 for sure.</p> <p>13 A. Uh-huh.</p> <p>14 Q. But there are certain parts of this 15 document that I would like to review with you.</p> <p>16 If we turn to page City296 -- I'm 17 sorry, 297. There is a -- actually, let's do it 18 differently. Let's turn to page, to City331 on 19 this document.</p> <p>20 A. 331.</p> <p>21 Q. Right.</p> <p>22 A. Uh-huh.</p> <p>23 Q. Do you recall that as part of this 24 investigation, you were questioned as part of</p>	<p>1 Q. 327, I believe. 2 A. 327? 3 Q. Yes. 4 A. I'm sorry. 5 Yes, okay, Vogt was there. All 6 right. 7 Q. And was this interview recorded? 8 A. Yes. 9 Q. And how was it recorded, as you 10 understood it? 11 A. Not by stenographer, like stenographer. 12 But somebody, I think he was typing my answers 13 directly as I spoke to him, Lieutenant Saggese. 14 Q. So it wasn't being recorded by way of 15 audiotape? 16 A. There I am not sure. 17 Q. Okay. 18 Before this interview, had you 19 worked at all with Lieutenant Saggese? 20 A. No. 21 Q. Did you know who he was? 22 A. Yes. 23 Q. How did you know him? 24 A. He had interviewed me on a couple of</p>
Page 114	Page 116
<p>1 the investigation? 2 A. Yes. 3 Q. And did you have an attorney present 4 with you? 5 A. Yes. 6 Q. And what attorney was that? 7 A. Timothy Strange. 8 Q. And was the person questioning you 9 Captain Charles -- actually, was it Captain Vogt 10 or Lieutenant Saggese who questioned you? 11 A. It was Lieutenant Saggese. 12 Q. And Captain Vogt was present? 13 A. I'm not sure. 14 Q. Okay. 15 A. I don't think he could be because -- 16 Q. Well, if you turn back to City327, the 17 document suggests he was. 18 A. Okay.</p> <p>19 MS. MORRIS: Go ahead. Take a look. 20 And I'm sharing because I don't have a copy. So 21 I'm in the view here, but I don't have a copy. 22 THE WITNESS: So where does this 331 23 start? 24 BY MR. CONSOLE:</p>	<p>1 other occasions. 2 Q. When? 3 A. In 2012. I think both in 2012. 4 Q. Related to what? 5 A. One was related to a fight that two 6 subordinates had, a fist fight inside narcotic 7 headquarters, and I believe he was investigating 8 that. 9 The other was in response to an 10 anonymous -- I subsequently found out it wasn't 11 anonymous. But somebody had made a complaint 12 that I was involved romantically with a 13 subordinate secretary. 14 Q. And who was the subordinate secretary in 15 question? 16 A. Nicole Rosario. 17 Q. Is she your secretary at present? 18 A. No. 19 Q. Was she ever your secretary? 20 A. Yes. 21 Q. From when to when? 22 A. She was my secretary formally from, I 23 want to say around May 2012 until I got promoted 24 in November 2012.</p>

1 Q. And can you describe her for me, her 2 appearance? 3 A. Nicole is a white female 4 approximately -- I guess she's in her 30's now. 5 I'm going to say five foot six. What do you 6 call that? Dirty blond hair. About, for the 7 record, her hair (indicating). And I hope it's 8 not dirty blond, but. 9 MS. MORRIS: I washed it this 10 morning. It's clean blond. 11 THE WITNESS: All right. But it was 12 kind of darkish highlighted blond. Freckles. 13 Medium build. 14 BY MR. CONSOLE: 15 Q. Did you ever called her "babe"? 16 A. No. 17 Q. Did she ever sit on your lap? 18 A. No. 19 Q. Who made the allegation? 20 A. I recently found out Officer Theresa 21 Brooks. 22 Q. And who was she? 23 A. She was an officer who worked in the 24 strike force but had to be moved out of the	Page 117	1 A. Well, I think she had some problems 2 getting along with people. She also, I had to, 3 not reprimand formally, but occasionally step in 4 and instruct her to concentrate not only on her 5 work, but not to engage in arguments with other 6 people in the unit. 7 At that time I also worked for Chief 8 Inspector Dorsey, who I had a very contentious 9 relationship with. And Theresa Brooks and 10 Dorsey, you know, she worked directly in Chief 11 Dorsey's office. 12 And Chief Dorsey's secretary who, 13 again, I had to occasionally address in a manner 14 that, you know, was firm and sometimes, you 15 know, had to let her know that she was the 16 secretary in the unit and I was the inspector 17 and, you know, we're not going to discuss 18 certain matters. Just do what I tell you to do. 19 Q. Was there an investigation into the 20 issue of whether or not you and Nicole Rosario 21 were having a relationship? 22 A. Yes. 23 Q. Of a sexual nature? 24 A. Oh, yeah.	Page 119
1 strike force, at that point it was temporarily, 2 but subsequently permanently, for disciplinary 3 problems. 4 Q. Did she ever report to you? 5 A. Yes. 6 Q. When? 7 A. During that May to -- she didn't report 8 directly to me, but she was in my chain of 9 command. 10 During that May to November period. 11 Q. And describe Officer Brooks to me, 12 please. 13 A. Officer Brooks is an African American 14 female, approximately five ten to five eleven, 15 heavy build. That's what I can say about her. 16 Like I say, five ten to five eleven, heavy 17 build. For a female, she could be termed 18 imposing physically. 19 Q. Are you certain that you never called 20 Nicole Rosario "babe"?	Page 118	1 Q. And what was the conclusion of that? 2 A. Well, Nicole went in and told them, Are 3 you crazy? He's my boss. He's a nice guy. We 4 talk, but there's no sexual relationship or 5 anything of that nature. 6 Q. My question was, what was the 7 conclusion? 8 A. I don't know. We don't get those 9 conclusions. That's what I'm saying. 10 Q. How do you know Nicole said what she 11 said, were you present? 12 A. Because she came right back and told me. 13 She's like, "Boss, do you believe" -- and I 14 won't use the exact words. 15 Q. No. Use the exact words. 16 A. "Do you believe what these fucking 17 mother fuckers down the hall are saying?" And 18 I'm like, "Huh?" I'm like, "Calm down." 19 And she said, you know, she 20 basically relayed the story what internal 21 affairs was asking her, had she ever sat on my 22 lap, did I make her sit on my lap, did we have 23 an investigation. 24 And then she, you know, said of the	Page 120

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<p>1 racial overtones associated with it, that she 2 was angry about that. But we talked, I calmed 3 her down.</p> <p>4 Q. Nicole Rosario said something about the 5 racial overtones?</p> <p>6 A. Yes.</p> <p>7 MR. CONSOLE: I'm sorry, we need to 8 take a break, or not?</p> <p>9 VIDEO SPECIALIST: 12:34 p.m. We 10 are off the record.</p> <p>11 (Pause.)</p> <p>12 VIDEO SPECIALIST: The time is 13 12:36. We're back on the record.</p> <p>14 BY MR. CONSOLE:</p> <p>15 Q. Chief Inspector, if you could turn to 16 City331, which is part of Exhibit P-4.</p> <p>17 A. Oh, okay. So we're finished with that 18 last question?</p> <p>19 Q. Yes. I actually don't recall where -- 20 did you have something to add to that?</p> <p>21 A. No. You were asking about the racial 22 overtones.</p> <p>23 Q. Okay. All right, let's go back into 24 that racial overtones issue.</p>	<p>1 A. Well, I believe it was, a racial 2 allegation was backlash or resentment, for 3 whatever reason. And I said this in my 4 statement to IAB in 2012 because I was married 5 to a white woman. And that there were -- the 6 people pushing this issue, this false statement 7 were three African American women. And in my 8 statement, if you can refer to it, in the 9 presence of then -- now still Deputy 10 Commissioner Turpin, that I believe this was 11 backlash from three African American women who 12 did not like the fact that I was married to a 13 white woman. And it is in that statement of 14 2012.</p> <p>15 Q. Did you think the allegations made by 16 Police Officer Hayburn, Christa Hayburn, did you 17 think they were in any way race motivated?</p> <p>18 A. I don't know. I never even thought 19 about that.</p> <p>20 Q. Did you think -- do you think the 21 allegations made by Detective Vandegrift are in 22 any way race related?</p> <p>23 A. I don't know.</p> <p>24 Q. Now, if we turn to City331 --</p>
Page 122	Page 124
<p>1 A. Right.</p> <p>2 Q. Was it your understanding that 3 Miss Rosario was suggesting she thought you were 4 being accused of something because of your race?</p> <p>5 A. Because of my race and her race and who 6 her husband was.</p> <p>7 Q. Okay, your race being African American, 8 her race being white, and who's her husband?</p> <p>9 A. Her husband is, I think, Edwin Rosario, 10 who's a dark-skinned Hispanic, and she's an 11 Irish woman.</p> <p>12 Q. Did you think the allegations had 13 anything to do with race?</p> <p>14 A. Yes.</p> <p>15 Q. And you believe that -- am I correct, 16 then, that you believe Officer Brooks was making 17 these allegations based on the race of you and 18 Nicole Rosario?</p> <p>19 A. Based on me, my race, and the race of 20 Nicole Rosario and the race of my wife.</p> <p>21 Q. And the race of your wife?</p> <p>22 A. She's white.</p> <p>23 Q. So why do you think there was a racial 24 motivation to Officer Brooks' allegations?</p>	<p>1 A. I'm here, sir.</p> <p>2 Q. Yes. There's a question, the second 3 question on the page:</p> <p>4 "Question: Would you have any idea 5 why Michele Lauf Vandegrift would allege you 6 called her repeatedly to speak with her about 7 sexual things you wanted to do to her?"</p> <p>8 Then there is a break, a five-minute 9 break, right? Break at 2:10 p.m., return at 10 2:15 p.m.; correct?</p> <p>11 A. Yeah. I guess, yeah.</p> <p>12 Q. Why was there a break after the question 13 but before the answer?</p> <p>14 A. I don't know.</p> <p>15 Q. In the break, did you speak with anyone?</p> <p>16 A. I don't know.</p> <p>17 Q. Did you go outside with your attorney?</p> <p>18 A. Probably. I'm not sure. Like I said, 19 this is -- I never even noticed this.</p> <p>20 Q. All right. So now your answer: Quote, 21 I did not do that. Secondly, if the question is 22 why she would allege this, I believe this is two 23 fold. One, I think she is looking for some kind 24 of litigation against the department or city.</p>

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<p>1 Two, I am a visible target who has had 2 unfavorable press and had very public 3 disciplinary action taken against me in 2008. I 4 was passed over for chief and demoted." 5 Have I read that correctly? 6 A. You have read that correctly. 7 Q. Now, one, as of the time that you made 8 this statement, and this statement was made on 9 March 20 -- I'm sorry. This statement was made 10 on March 18th of 2015. As of March 18th of 11 2015, why do you say that you think Detective 12 Vandegrift is looking for some kind of 13 litigation against the department or city? 14 A. Because at that time, and still, I can't 15 think of why these allegations would be made and 16 made in 2014, whereas if I had done all these 17 things that she said, we went through this. I 18 was in the paper in 2008. That's the first 19 thing you reported. Right? 2008 you pointed me 20 to that document? 21 Q. Yes. There's an article of 2008 that is 22 marked as an exhibit. 23 A. Okay. So if I did something to her in 24 2007, why not come forward in 2008? Or here, it</p>	<p>1 an all boys Catholic school. 2 Q. You went to LaSalle High. So did I. 3 A. Okay. 4 Q. Christian Brothers. 5 A. Should we do it on camera, boys will be 6 boys. 7 MS. MORRIS: Can we stick to the 8 topic, please. 9 THE WITNESS: I mean if you're going 10 to go there. 11 MS. MORRIS: Chief. 12 THE WITNESS: Okay. 13 BY MR. CONSOLE: 14 Q. What do you mean, boys will be boys? 15 A. That's how we recognize each other, 16 counselor. 17 MS. MORRIS: Can we stick to the 18 topic of Vandegrift, please. Chief. 19 BY MR. CONSOLE: 20 Q. I don't actually know what you mean. 21 A. If we can go off the record, please. 22 MS. MORRIS: No. Stick with the 23 deposition. Answer the questions that are 24 before you.</p>
Page 126	Page 128
<p>1 wasn't a secret that I get moved out of East in 2 2008. Why not, you know, come forward then and 3 say, Oh, he did this? 4 Q. Well, as an experienced police officer, 5 do you agree with me that it is often the case 6 that victims of sexual crimes do not report the 7 crimes until years later? 8 A. No. 9 Q. You don't agree with that. Are you 10 familiar at all with the issues involving the 11 Catholic church and accusations of inappropriate 12 sexual behavior by priests? 13 A. I've heard about them, yeah. 14 Q. All right. And isn't it true that in 15 many instances they aren't brought up until 20, 16 30 years later? 17 A. I guess. I don't know. I mean I'm 18 not -- you know, I'm a practicing Catholic, but, 19 you know, I didn't see any of that growing up, 20 so. 21 Q. No. But you certainly are familiar with 22 it? 23 A. I'm familiar with the stories. I try 24 not to look at those stories. I mean I went to</p>	<p>1 THE WITNESS: That's how we were 2 taught to recognize each other, counselor. 3 BY MR. CONSOLE: 4 Q. In high school? 5 A. Yes. You say -- you understand it now? 6 Q. I get what you are saying now. 7 A. Okay. So, and I didn't bring this up, 8 you did, about LaSalle High School, we both 9 going there. 10 Q. Well, you said you went to a Catholic 11 school. I understand that. 12 A. Okay, go ahead. 13 Q. But my question is, as a police officer, 14 do you agree that oftentimes victims of sexual 15 crimes do not report those crimes until years 16 later? 17 A. And again, I said no. I don't know -- I 18 have never worked sex crimes. But no. Like I 19 said, with respect to this, as I said, this 20 blind-sided me in 2014 because of everything I 21 had been through and all the articles you've 22 pointed out that predate 2014. 23 Q. Certainly, do you agree, sir, that if a 24 woman was sexually assaulted six, eight years</p>

1 ago, and they finally have the power to come 2 forward with that, they should be encouraged to 3 do so? 4 A. Yes. 5 Q. And in fact, do you agree, sir, as a 6 police officer, that the fact that someone has 7 not reported a sexual crime near the time of its 8 occurrence does not mean that person's lying 9 about it, does it? 10 A. When you're speaking hypotheticals, 11 okay, yeah, right. 12 Q. So you immediately just came to the 13 conclusion that Detective Vandegrift was 14 bringing these allegations against you because 15 she wanted to bring litigation against the city? 16 A. That is what I thought of at the time 17 and that's what I still think. 18 Q. Okay. 19 I am going to read on into this 20 interview that you had. 21 "Question: Was Michele Lauf 22 Vandegrift ever inside your office in East 23 division? 24 "Answer: I do not know. It is	Page 129 1 office alone together?" Your answer is, "Not 2 that I recall." Here your answer is "no." 3 Are they different on purpose or are 4 you saying the same thing, not that you recall? 5 A. The question was did you request. 6 Q. Right. 7 A. And I said no. 8 Q. And the answer above was were you ever 9 alone in the office? 10 MS. MORRIS: Objection. Asked and 11 answered. 12 BY MR. CONSOLE: 13 Q. The question that I am trying to 14 understand is, when you answer a question not 15 that I recall and then you answer a question no, 16 is there a distinction in those two answers? 17 A. I don't know. I mean -- 18 Q. Okay. 19 A. I can't, you know, at this point. 20 Q. "Question: Michele Lauf Vandegrift 21 alleged that on a night in March 2007 you called 22 her to your office, unzipped her pants, slide 23 aside her panties and inserted your finger(s) 24 into her vagina. Did this incident occur?
Page 130 1 possible." 2 Do you agree that's true? 3 A. Yeah. 4 Q. "Question: Were you and she ever in 5 your office alone together? 6 "Answer: Not that I recall." 7 Is that your testimony today as 8 well? 9 A. Yeah, I don't recall being in the office 10 alone with her. 11 Q. Uh-huh. 12 "Question: Some time in March 2007, 13 did you request Michele Lauf Vandegrift to come 14 to your office in East Division late at night?" 15 Your answer is "no." 16 A. No. 17 Q. Is your answer -- should that answer 18 say "not that I recall," or is that a different 19 answer? 20 A. It says, "Some time in March 2007, did 21 you request?" No. 22 Q. Well, I'm comparing your answer there to 23 your answer above. The answer above, where the 24 question is, "Were you and she ever in your	Page 130 1 "Answer: No." 2 A. No. 3 Q. And that's your testimony under oath 4 today; correct? 5 A. Yes. 6 Q. "Question: Did you ever have any type 7 of conversation with her in which you told her 8 her vagina was wet?" 9 "Answer: No." 10 Have I read that correctly? 11 A. You read that correctly. 12 Q. And is your testimony today you never 13 had any discussion -- 14 A. No. 15 Q. -- with her along those lines? 16 A. No. 17 Q. "Question: Did you have anything to do 18 with her getting transferred to the Ninth 19 District in September 2007?" Your answer is 20 "no"? 21 A. No. 22 Q. Did you have anything to do with that? 23 A. No. 24 Q. "Question: Can you provide any

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<p>1 explanation or reasons as to why Michele Lauf 2 Vandegrift would allege you sexually assaulted 3 her back in March of 2007? 4 "Answer: No." 5 A. No. 6 Q. If we turn to the next page on City332, 7 there's a question: "Why do you think you have 8 been the subject of such similar allegations 9 involving women during your career?" 10 "Answer" -- 11 MS. MORRIS: Objection. The 12 document speaks for itself. 13 BY MR. CONSOLE: 14 Q. "Answer: Basically because of what 15 happened to me in 2008, I have become easy 16 fodder, I believe. Especially for people with 17 whom I've had no contact with for years." 18 Have I read that correctly? 19 A. That's what it says, yes, sir. 20 Q. When the question was asked of you and 21 it mentioned such similar allegations involving 22 women, what similar allegations did you think 23 the questioner was referring to when you gave 24 the answer you gave?</p>	<p>1 very scrutinous observation by the press in 2 2012, if true, these allegations most likely 3 would have been brought to light back then. 4 With that, I close my statement formally." 5 Have I read that correctly? 6 A. Yes. 7 Q. Now, first of all, you reference here 8 that -- you talk about the delay in the time of 9 the allegation, of the event occurring and the 10 allegation, and we have covered that. 11 You also then say, "with particular 12 allegations against a commander such as myself." 13 Why would that be relevant to any 14 investigator into whether these events occurred? 15 A. Because I'm a commander. 16 Q. All right. Why would that matter? 17 A. Because that's my status. 18 Q. Should you be treated better because of 19 the status that you have? 20 A. No. But the truth is, I'm a commander, 21 so that's my status. That's what I said. As 22 opposed to saying against a supervisor, which 23 typically supervisors, lieutenants, sergeants 24 and corporals or police officer or detective.</p>
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<p>1 A. I believe I was thinking about the issue 2 with Nicole Rosario. I think that's all. 3 Q. Not Christa Hayburn? 4 A. No. 5 Q. "Question: Do you have anything you 6 wish to add to this interview?" 7 Your answer: "Yes. I understand as 8 a licensed attorney in the Commonwealth of PA 9 since 2003, that government entities must 10 investigate allegations of misconduct. However, 11 I am urging this process to understand that when 12 they take allegations of misconduct that are 13 six, seven, eight years old, in some cases with 14 the same theme, with particular allegations 15 against a commander such as myself, and further 16 when these allegations in several instances have 17 proven to be false and malicious, I would ask 18 that IAD take all due care and consideration 19 prior to disrupting both my professional and 20 personal life with such patently false 21 allegations. Lastly, the chronology of these 22 allegations defy all logic, considering in the 23 intervening years, while I was under a very 24 visible active investigation in 2008 and under</p>	<p>1 Q. I don't understand why that would make 2 any difference. Are you saying that you should 3 be found to be more credible because of your 4 rank? 5 A. No. I'm just telling my status against 6 a commander, such as myself. I am a commander. 7 Q. But can you tell me why you think your 8 rank as commander is relevant to this 9 investigation? 10 A. Because the allegations were made 11 against me, a commander. 12 Q. Right. And why is that relevant? 13 A. It's relevant because that's my status. 14 I am a commander. That's all I was saying. Me, 15 allegations against a commander, such as myself. 16 Q. Well, you say, "With particular 17 allegations against a commander such as myself." 18 That reads to me as if you are suggesting that 19 somehow your status should be considered by the 20 investigators. 21 MS. MORRIS: Is that a question? 22 MR. CONSOLE: Yes. 23 BY MR. CONSOLE: 24 Q. Do you agree with that?</p>

1 A. No, that's not what I put. 2 Q. Okay. 3 A. That's not -- 4 Q. That's not what you meant? 5 A. That's not how I read it. 6 Q. All right. Now, you also then go on in 7 the next sentence to state that "allegations in 8 several instances have proven to be false and 9 malicious." 10 Have I read that correctly? 11 A. Yes. 12 Q. Tell me each and every allegation that 13 has been proven to be false and malicious, each 14 and every allegation against you? 15 A. Christa Hayburn. The allegations of 16 Terry Brooks that I was calling or having 17 somebody sit on my lap, babe. 18 All the stuff in the one article 19 concerning use of force and other things. So 20 that's what I was referring to. 21 Q. All right. So in terms of Christa 22 Hayburn, what is your basis for saying that her 23 allegation has proven to be false and malicious? 24 A. Because I did not do those things.	Page 137	1 A. Well, I say in several instances. But I 2 do believe her allegations were not only false, 3 but I believe they were malicious. 4 Q. But in Miss Hayburn's allegations, were 5 they ever proven to be false? 6 A. I feel they were. 7 Q. How? Why do you feel that way? 8 A. Because if her allegations were proven 9 to be true, I would have been arrested and 10 charged. 11 Q. But there's a difference between 12 allegations being proven to be true, allegations 13 proven to be false, and allegations not proven 14 to be true or false. You know that as an 15 attorney, don't you? 16 A. Yes. 17 Q. All right. So isn't it true that in 18 connection with Miss Hayburn the only conclusion 19 was that a decision had not been made as to 20 whether the allegations were true or false? 21 A. Again, after reading that document 22 today, that's what they say. I've never seen 23 that document before. 24 Q. And if a police officer has engaged in	Page 139
1 Q. No. You say here that they have been 2 proven to be false and malicious. And you are a 3 lawyer, you know what the terms mean; right? 4 A. Yes. 5 Q. By the way, what does the term malicious 6 mean, as you use it? 7 A. With malice. 8 Q. And what does that mean? 9 A. With particular bad thought. 10 Q. Intent to harm? 11 A. Mal intent. Yes. 12 Q. So what allegations of Miss Hayburn have 13 proven to be false and malicious? 14 A. I believe that I did not do those 15 things. 16 Q. Is it your understanding that there was 17 any kind of finding that Miss Hayburn's 18 allegations were malicious? 19 A. I don't know, but I feel that they were. 20 Q. But you say they were proven to be 21 malicious, but they weren't, were they? 22 A. No. 23 Q. All right. You say they were proven to 24 be false. Who concluded --	Page 138	1 conduct that has been proven to be false and 2 malicious in connection with accusing a fellow 3 officer of a crime, would you expect that police 4 officer to be dismissed from service? 5 A. Yes. 6 Q. To the best of your knowledge, was 7 Police Officer Hayburn ever disciplined for 8 bringing the allegations she made against you? 9 A. I don't know. To the best of my 10 knowledge, I do not know, but. 11 Q. I am trying to understand what you are 12 saying here when you say, "The chronology of 13 these allegations defy all logic." 14 Now, if a person wanted to get money 15 and they read the article in 2008, why wouldn't 16 they make the accusation against you right then? 17 A. I don't know. 18 Q. You are aware of the fact that when a 19 person comes forth with an allegation years 20 later, that person has to show a continuing 21 violation to be able to bring a claim related to 22 the incident involving you; correct? 23 A. No, I'm not. I'm not aware of that. 24 I mean, you know, I'm not disputing	Page 140

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<p>1 what you're saying. But again, although I'm 2 licensed, I don't do it every day like you do. 3 Q. You earlier in this deposition 4 specifically made a comment to the females in 5 this room expressing your apologies for certain 6 frank language you used? 7 A. Yeah. And I don't like to use that kind 8 of language, especially in mixed company. 9 Q. By "mixed company," you mean women? 10 A. Yeah, absolutely. 11 Q. Do you agree that you interact 12 differently with women than male police 13 officers? 14 A. Possibly. 15 Q. And is possibly yes? 16 A. Well, I mean it depends on the 17 interaction and the nature of the interaction. 18 Q. Well, are you more likely to use terms 19 like you used in that example, "dicks" or 20 "fuck," or whatever term you want to use, are 21 you more likely to use those terms in speaking 22 with male officers? 23 A. Probably, yeah. 24 Q. When you started at the police force,</p>	<p>1 unsurmountable, but it can be. Like just being 2 a black man in America can be difficult. Being 3 anybody in America can be difficult, you know. 4 Q. Let me change the question to female. 5 A. Yes. 6 Q. Do you agree with me that all things 7 being equal, being a police officer in the City 8 of Philadelphia is more difficult if you're a 9 female compared to being a male? 10 A. Yes. 11 Q. And why do you believe that? 12 A. Again, society. Socialization. We're 13 still, you know, a male-dominated society. 14 There are still professions that have male 15 dominated or female dominated. 16 Q. And what about the police profession? 17 A. The police profession is still a 18 male-dominated police department, profession, 19 yes. 20 Q. Do you recall or have you learned that 21 back in the days of Rizzo, for example, there 22 were no women on the police department? 23 A. Yes. I mean I did recall -- 24 Q. There were probably very few African</p>

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<p>1 was it predominantly male? 2 A. Yes. 3 Q. All right. And predominantly white? 4 A. Still is, yes. 5 Q. Do you believe that as an African 6 American police officer, all other things being 7 equal, your job is a little more difficult 8 because of your race than if you were white? 9 A. Yes. 10 Q. Why do you believe that? 11 A. Just the nature of, you know, everything 12 being America, a country founded on the backs of 13 African Americans. I mean people talk about 14 immigrant experience, but, let's face it, 15 African Americans were never willing immigrants. 16 Then you go through things like the 17 separate but equal, Jim Crow, and then other 18 things. Even LaSalle High School, you know, 19 going through LaSalle High School, I remember, 20 you know, the issues there being predominantly 21 white, obviously all male. 22 Q. But as a police officer, it's more 23 difficult? 24 A. It can be. It's not -- I mean it's not</p>	<p>1 Americans as well. 2 A. Well, yeah. But I mean I remember when 3 the women joined the department. I mean I'm old 4 enough to remember, you know, 1976, yeah. 5 Q. Do you agree that female police officers 6 often are going to hear comments about sex when 7 they are working in the police department? 8 A. No, I don't agree they're often going 9 to, no. 10 Q. Occasionally? 11 A. Of course, occasionally. 12 Q. Do you agree that they are often going 13 to -- or they are occasionally going to hear 14 comments about how they look? 15 A. I don't know about occasionally, often. 16 They may, they may not. I don't know. 17 Q. Have you ever heard a male police 18 officer say to you that he thought a female 19 police officer was attractive? 20 A. No. 21 Q. In so many words? 22 A. Not in so many words, no, no. 23 Q. How about that they wanted to have sex 24 with her, did you ever hear that?</p>

1 A. No. 2 Q. Talk about her breasts? 3 A. No. 4 Q. Never heard that? 5 A. No. I've never heard a male police 6 officer, no. 7 Q. Do you agree, Chief Inspector, that if a 8 male police officer made a comment to another 9 male police officer who was working with a 10 female police officer and the comment was, "Are 11 you hitting on that?" that that would be an 12 inappropriate comment to make? 13 A. I don't know. I don't know what the 14 context is. 15 Q. The context was just simply a male to 16 another male who's working with a female, "Are 17 you hitting on that?" 18 A. (Indicating.) 19 Q. How about "Are you hitting on her," 20 would that be an inappropriate comment? 21 A. That's a question. 22 Q. Yes. 23 A. So I don't know if that's inappropriate. 24 I mean I think it's between the interaction	Page 145	1 said, it would be two officers having a 2 conversation. Again, in whatever context, I 3 don't know. 4 Q. Uh-huh. 5 A. You know, I mean I couldn't speak to 6 what two officers having a conversation without 7 the general -- you know, without a specific 8 context. 9 Q. All right. Earlier I asked you 10 questions about have you ever heard police 11 officers make comments about a female's body. I 12 want to make it a little broader. 13 Have you ever heard of any employees 14 of the city make comments about the appearance 15 of female, of females -- 16 A. Yeah. 17 Q. -- while they're at work? 18 A. Yeah. 19 Q. All right. Have you ever heard of 20 employees of the Philadelphia Police Department 21 make those types of comments? 22 A. Yes. About appearance? Yes. 23 Q. Yes. 24 Have you ever heard an employee of	Page 147
1 between the two officers. You know, one's 2 basically asking another one are you dating 3 somebody or having some type of physical contact 4 with somebody. 5 So I don't know. Depending on the 6 context, it could be inappropriate. It could be 7 just somebody asking a question. Is that your 8 companion, your sexual partner? What have you. 9 Q. Well, how about if the question is "Are 10 you fucking that?" Would that be an 11 inappropriate question to ask? 12 A. Again, it would still be in the context 13 between two officers having a conversation. 14 Q. So if two male officers are having a 15 conversation and the conversation is one male 16 officer saying to another, are you -- 17 A. Can I put these? 18 Q. Sure. 19 -- are you having sex, not 20 necessarily using that term, with your female 21 partner, as far as you understand it, would that 22 comment not be violating any sexual harassment 23 policy of the city? 24 A. I don't know whether it would be, like I	Page 146	1 the Philadelphia Police Department comment that 2 a female had a nice ass, using that expression? 3 A. I've never heard that, no. Not that I 4 recall. 5 Q. Uh-huh. 6 Do you agree that, going back to the 7 question of all things being equal, females have 8 it more difficult than male police officers, do 9 you agree that there are certain male police 10 officer who to this day do not like working with 11 female police officers? 12 A. Probably, yeah. 13 Q. Have you ever heard any of them -- have 14 you ever heard male police officers say that? 15 A. Yes. 16 Q. And what is your understanding as to 17 why -- what's the context, what are they saying? 18 A. They fear for their safety. They feel, 19 some of them felt that the women would not pull 20 their own weight. Other times it was just the 21 opposite. I've heard male officers saying that 22 she's going to get me killed with her mouth, 23 things like that. That I have heard. 24 Q. When you've heard male police officers	Page 148

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<p>1 say that they don't want to work with a female 2 police officer, how do you react? 3 A. Well, at the time I heard it, I was the 4 same rank as them. So I didn't react. 5 As a matter of fact, the first time 6 I heard it was just before I went into the 7 academy, an officer told me at that time, "Don't 8 trust none of them women." And he actually 9 said, "I'm out IOD because of a woman." 10 So, you know, I don't even know his 11 name to this day. But -- 12 Q. And the acronym "IOD" refers to? 13 A. Injured on duty. 14 Q. Right. 15 A. Right. 16 So, you know, that was his saying 17 some time in -- before I went in the academy in 18 '90. So, you know, it was just somebody talking 19 that I had ran into and said, you know, did you 20 get in yet? And I said, I'm scheduled to go in 21 in two weeks or something. And that was -- 22 Q. Has the City of Philadelphia Police 23 Department ever addressed this question of 24 whether or not male police officers need to be</p>	<p>1 Christy Coulter are my bosses now. 2 Q. You indicated, I think, in a previous 3 answer a short time ago that there has been 4 training, sexual harassment training? 5 A. Yes. 6 Q. Have you undergone such training? 7 A. I have. 8 Q. And when did you first undergo that 9 training? 10 A. I believe the first -- every promotion, 11 I believe we've had a block of training. 12 Q. Have you ever had to take a test? 13 A. No. I don't think so. No. 14 Q. Have you ever trained subordinates on 15 sexual harassment issues? 16 A. Other than making sure they read the 17 directive, no, I've never -- no. That wasn't my 18 area of expertise, even when I was an instructor 19 at the police academy. 20 Q. In all your -- well, how many times did 21 you have interactions with either Police Officer 22 Lauf, who has now become Detective Vandegrift? 23 I will just call her Detective Vandegrift. How 24 often have you had, would you say you have had</p>

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<p>1 trained to work with female police officers in a 2 way that they don't feel negative? 3 A. I don't know whether formally for those 4 feelings. I know obviously sexual harassment 5 training, but as far as male/female, I don't 6 know if they have ever had those kind of 7 trainings. 8 I know I didn't go through any 9 training that -- you know, you have to be 10 willing to work with a female. You are going to 11 get assigned to who you get assigned to. 12 Q. Did you ever have a female partner? 13 A. Yes. 14 Q. Did you ever have a female boss? 15 A. Yes. 16 Q. Who? 17 A. I've had Evelyn Heath, Cynthia Dorsey, 18 Patricia Fox. Charlotte Council was both my 19 sergeant, then she became a deputy commissioner. 20 Carol Riley was a sergeant. Then 21 she made lieutenant. I then made lieutenant and 22 captain. 23 So yeah, I've worked -- I've had 24 female supervisors. And even Denise Turpin and</p>	<p>1 business interactions with her? 2 A. Yeah. She went to the academy, and I 3 would teach a few classes. I actually helped 4 out in the use of force classes, Constitutional 5 law, evidence, departmental traditions. 6 I do remember talking to her on one 7 occasion. She told me how much she typed. If I 8 needed anybody in my office pool, that she 9 typed. And I don't want to put words in her 10 mouth, but it was over 100 words a minute, you 11 know. I don't know what's quick any more. 12 But -- so yeah. 13 Q. From all your interactions with 14 Detective Vandegrift, have you ever seen her act 15 in any way, shape or form that suggested she was 16 acting inappropriately? 17 MS. MORRIS: Objection. Asked and 18 answered. 19 BY MR. CONSOLE: 20 Q. The answer? You can answer again. 21 A. Oh, I'm sorry. 22 No, no. 23 Q. Thank you. 24 MR. CONSOLE: We'll have a quick</p>

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<p>1 break. We're almost done, if not done. 2 VIDEO SPECIALIST: The time is 1:06 3 p.m. We're off the record. 4 (Recess.) 5 VIDEO SPECIALIST: The time is 1:15. 6 We're back on the record. 7 BY MR. CONSOLE: 8 Q. Chief Inspector, I'm going to show you a 9 document that I will ask be marked as <u>P-13</u>. 10 (<u>P-13</u> was marked for 11 identification.) 12 BY MR. CONSOLE: 13 Q. This document is Bates stamped City1112 14 through 1119. 15 A. Okay. 16 Q. And there appear to be initials at the 17 bottom of each page -- 18 A. Uh-huh. 19 Q. -- that I believe may be yours, as well 20 as a signature that appears on Page 8. My 21 question is, are the initials yours? 22 A. They are. 23 Q. And is the signature yours? 24 A. Yes.</p>	<p>1 Q. And before you signed those pages, did 2 you make sure that you read everything and that 3 you concluded it was correct? 4 A. Yes. 5 Q. Were you ever disciplined in any way in 6 connection with the allegations made by 7 Detective Vandegrift? 8 A. No. 9 Q. We talked about you kissing individuals 10 in your van or in the police vehicle. 11 Other than Police Officer Hayburn, 12 and excluding Detective Vandegrift, was there 13 any other police officer that you kissed? 14 A. I never kissed the detective. 15 Q. I understand that is your position. I 16 am excluding her from the question. 17 A. Okay. 18 Q. So I am saying, excluding Detective 19 Vandegrift, excluding Police Officer Hayburn, is 20 there any other employee of the city that you 21 have kissed? 22 A. Yes. 23 MS. MORRIS: Objection. Asked and 24 answered.</p>

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<p>1 Q. And before you initialed the page and 2 before you signed the document, did you read 3 everything stated therein to make sure that it 4 was accurate? 5 A. Yes. 6 Q. If we turn to Exhibit P-4 on -- this is 7 a document here, P-4, and this is on page 8 City327. 9 It follows from -- 10 A. Counselor, can I have a moment, please? 11 Can we do something with those? 12 Q. Got it. 13 A. So now what am I doing, counselor? 14 Q. You are looking at Page 327 through 332. 15 The question is similar to the one I just asked 16 in that there is a signature line at the bottom 17 of each page. 18 A. Right. 19 Q. And there is also a signature on the 20 last page City332. 21 A. Yes. 22 Q. And my question is, are all of those 23 signatures your signatures? 24 A. Yes.</p>	<p>1 BY MR. CONSOLE: 2 Q. Who? 3 A. Who have I kissed? 4 Q. Yes. 5 A. That was -- 6 Q. An employee of the city. 7 A. Oh, Cheryl -- what's Cheryl's last name? 8 Nesmith back in the early, early 90's. 9 Jacqueline Stanford back in the 10 early, early 90's. 11 Mid-90's, Cynthia Rascoe. 12 Early 2000, a public defender. 13 Q. Who? 14 A. Alice Meehan in like 2001, 2000, 2001, 15 in law school. But she was working for the PD's 16 office then. 17 Honestly, counselor, there may be 18 other women when I was, you know, single, 19 young -- I can't think of, you know, who was a 20 city employee and who wasn't. 21 Q. When were you married? 22 A. I got married in 2004. 23 Q. And we talked -- what about, the same 24 question, but now sexual activity?</p>

1 A. I believe all those women I, yeah. 2 Q. And in connection with any of these 3 women that you have mentioned, did you ejaculate 4 in their presence? 5 MS. MORRIS: Objection. Asking the 6 chief about his sexual history from even 7 predating his employment with the city, 8 predating his marriage, is completely 9 inappropriate. 10 MR. CONSOLE: No, I am not asking 11 him predating his employment with the city. I'm 12 sorry. I don't mean that. I mean since you 13 have been employed at the City of Philadelphia. 14 I am not asking you about pre-employment issues. 15 And I am only asking about -- yes, I am asking 16 about sexual activity and ejaculations with 17 employees of the City of Philadelphia while he 18 has been an employee, yes, I am asking that 19 question. 20 MS. MORRIS: It is not appropriate 21 to ask him about city employees. If you want to 22 ask -- you have asked about the police 23 department, that's fine. 24 MR. CONSOLE: Well, that's your	Page 157	1 the police department, but not okay to ask 2 questions about other city employees? 3 MS. MORRIS: Correct. He's not a 4 supervisor. He didn't supervise those people. 5 MR. CONSOLE: Your objection is 6 noted. Unless you're instructing him not to 7 answer and going to follow up with a motion that 8 you're going to serve on -- that you will file, 9 let's have him answer the question. We can 10 fight this battle later. 11 MS. MORRIS: I did instruct him not 12 to answer, and I'll be happy to follow up. I 13 will file a protective order. It is completely 14 inappropriate. He doesn't supervise every 15 single city employee, thousands of city 16 employees. You've asked him about the police 17 department. 18 MR. CONSOLE: While he was a police 19 officer. 20 BY MR. CONSOLE: 21 Q. My question is, sir, while you were a 22 police officer, and that includes the various 23 ranks you've testified to, did you have -- 24 you've already testified to kissing these women,	Page 159
1 objection, but he can answer the question. 2 MS. MORRIS: No, he doesn't have to 3 answer the question. 4 MR. CONSOLE: Yes, he does. 5 MS. MORRIS: His entire personal 6 life is not at issue here. It is not -- 7 MR. CONSOLE: It is not his entire 8 personal life. 9 MS. MORRIS: Yes, it is. 10 MR. CONSOLE: I don't believe it is. 11 MS. MORRIS: His most intimate 12 personal life is at issue here, you are making 13 an issue, and it is not. 14 MR. CONSOLE: You have allowed him 15 to answer questions about sexual activity 16 throughout this deposition. 17 MS. MORRIS: With employees of the 18 police department. 19 MR. CONSOLE: I am asking employees 20 of the City of Philadelphia. 21 MS. MORRIS: I understand. And I'm 22 objecting to that. 23 MR. CONSOLE: So the distinction you 24 are making is it is okay to ask questions about	Page 158	1 and counsel had no objection to that. I'm 2 asking about the very same women that you have 3 testified to, I asked you about sexual activity. 4 And you said all of those women. She had no 5 objection to that. 6 And now my question is simply going 7 to the question of whether you ejaculated in 8 their presence, which of course Police Officer 9 Hayburn says you did and that you are saying you 10 didn't. So I think the credibility matters. 11 But that's the only question that's presently. 12 The same people you have already testified to 13 without objection. You've already testified to 14 you had sexual activity without objection -- 15 MS. MORRIS: You have made your 16 point and I understand. I am instructing him 17 not to answer. 18 MR. CONSOLE: The 19 ejaculation question -- 20 MS. MORRIS: I think it is all 21 inappropriate, but you crossed the line when you 22 got to that point, yeah. 23 MR. CONSOLE: Oh, okay. 24 BY MR. CONSOLE:	Page 160

1 Q. Has any employee of the City of 2 Philadelphia, other than the people that you've 3 already testified to, made complaints about you? 4 A. Yes. 5 Q. Who? 6 A. I believe Nicole Judge. 7 Q. And Nicole Judge is what, what's her -- 8 A. She's one of my sergeants. 9 Q. What was the basis of her complaint? 10 A. She felt that I was siding with her 11 husband during a divorce. 12 Q. And the complaint, was that 13 investigated? 14 A. Yes. 15 Q. And what was the conclusion of the 16 investigation? 17 A. I don't know. 18 Q. Anyone else? 19 A. Not that I recall, no. 20 Q. You currently are assigned to the school 21 district; is that correct? 22 A. Well, currently I oversee Operations 23 North, but my name may still be associated with 24 the school district, but I don't do anything	Page 161	1 BY MS. MORRIS: 2 Q. Chief, when you were teaching classes at 3 the police academy, about how many cadets were 4 in each of your classes? 5 A. Anywhere between 30 to -- I think we may 6 have graduated a class at that point of 125, 7 150. 8 Q. Okay. When you had a relationship with 9 Cynthia Rascoe, did the two of you work 10 together? 11 A. No. I was a sergeant in the first 12 district. She was a cop up in the 17th. I was 13 single then living alone. 14 Q. When you -- when Michele Lauf Vandegrift 15 was in your division, what was the level of 16 interaction that you had with her? 17 A. I would run into her once in awhile. 18 MS. MORRIS: Thank you. Nothing 19 further. 20 MR. CONSOLE: No further questions. 21 VIDEO SPECIALIST: The time 11:25 22 p.m. That concludes this video deposition. We 23 are off the record. 24 COURT REPORTER: Reading and	Page 163
1 there. 2 Q. Were you at some time assigned to the 3 school district? 4 A. Yes, yes. 5 Q. From when to when were you assigned? 6 A. I was assigned to the school district 7 some time in October 2013 until, just around 8 January 5th I moved up to operations in the 9 Northeast. I mean my office moved up to the 10 Northeast. 11 Q. Why were you assigned to the school 12 district? 13 A. To oversee their police department. 14 Q. And in connection with that, were there 15 complaints made by parents of school children -- 16 MS. MORRIS: Objection. 17 BY MR. CONSOLE: 18 Q. -- that you were appointed to that 19 position? 20 A. I don't know. 21 MR. CONSOLE: I have no further 22 questions. Thank you. 23 MS. MORRIS: I have a couple points 24 of clarification.	Page 162	1 signing? 2 MS. MORRIS: Yes. 3 (Witness excused.) 4 - - - 5 (The deposition concluded at 6 1:25 p.m.) 7 - - - 8 I N D E X 9 DEPONENT: CHIEF INSPECTOR CARL HOLMES PAGE 10 Examination by Mr. Console 3 11 Examination by Ms. Morris 163 12 E X H I B I T S 13 HOLMES DEPOSITION EXHIBITS MARKED 14 P-11 Internal Investigation - 81 15 IAD #08-1028, City1027 - 1064 16 P-12 "Concise Officer History," 85 17 City1553 - 1566 18 P-13 Statement of Insp. Carl Holmes Jr., 153 19 City1112 - 1119 20 21 22 23 24	Page 164

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1
2 WITNESS SIGNATURE/CERTIFICATION PAGE
3
4
5 I have read the foregoing transcript
6 of my deposition given on Tuesday, November 1,
7 2016, and it is true, correct and complete, to
8 the best of my knowledge, recollection and
9 belief, except for the list of corrections, if
10 any, attached on a separate sheet herewith.

11

12

13

14

15

16

17 _____

18 DATE CHIEF INSPECTOR CARL HOLMES

19

20

21

22

23

24

Page 166

1
2
3
4 I HEREBY CERTIFY that the
5 proceedings, evidence and objections are
6 contained fully and accurately in the
7 stenographic notes taken by me upon the
8 foregoing matter on Tuesday, November 1, 2016,
9 and that this is a true and correct transcript
10 of same.

11

12

13

14

15

16 Terry Barbano Burke, RMR-CRR

17

18

19 (The foregoing certification
20 of this transcript does not apply to any
21 reproduction of the same by any means, unless
22 under the direct control and/or supervision of
23 the certifying reporter.)

24

GENERAL RELEASE

Michele Vandegrift

U.S. District Court for the
Eastern District of Pennsylvania
No. 16-2999

Date: March 10, 2017
Payable within 90 days
of receipt of signed release

*Plaintiff v. City of Philadelphia, et al.
Civil Action No. 16-2999 and
EEOC Case Nos. (original and amended)
530-2014-03217 Dual filed with PHRC
530-2015-03088 Dual filed with PHRC
530-2015-03991 Dual filed with PHRC
530-2017-01558 Dual filed with PHRC*

The lower portion of this form is a release. Please read it carefully before signing.

1. **Release and Consideration.** For and in consideration of the sum of one million, two-hundred, fifty thousand dollars (\$1,250,000.00) Michele Vandegrift ("Releasor"), does hereby remise, release, and forever discharge the City of Philadelphia, its agents, servants, workers or employees, whether known or unknown, foreseen or unforeseen ("Releasees"), of all actual and/or potential liability accrued and hereafter to accrue on account of and from all, and all manner of, actions and causes of action, claims and demands whatsoever (collectively, "Claims"), either in law or equity, especially a claim for discrimination, harassment and retaliation arising during the course of her employment with the Philadelphia Police Department, which against the City of Philadelphia, its agents, servants, workers or employees, Michele Vandegrift, now has or ever had, or which her heirs, executors, administrators or assigns, or any of them, hereafter can, shall or may have, for, or by reason of any cause, matter or thing whatsoever arising from the above accident or incident.

Definition of “Claims.” “Claims” includes, without limitation, all actions or demands of any kind that Releasors now have, or may have or claim to have in the future. More specifically, “Claims” include rights, causes of action, damages, penalties, losses, attorneys’ fees, costs, expenses, obligations, agreements, judgments and all other liabilities of any kind or description whatsoever, either in law or in equity, whether known or unknown, suspected or unsuspected.

The nature of Claims covered by this release and promise not to sue includes, without limitation, all actions or demands in any way based on Releasor’s employment with the City of Philadelphia, or the terms and conditions of such employment, or separation from employment. More specifically, all of the following are among the types of Claims which are waived and barred by this General Release of Claims to the extent allowable under applicable law:

- Contract Claims, whether express or implied;
- Claims under any collective bargaining agreement;
- Tort Claims, such as for defamation or emotional distress;
- Claims under federal, state and municipal laws, regulations, ordinances or court decisions of any kind;
- Claims of discrimination, harassment or retaliation, whether based on race, color, religion, gender, sex, age, sexual orientation, gender identity, handicap and/or disability, national origin, ancestry, marital status, whistleblowing or any other legally protected class;
- Claims under the Age Discrimination in Employment Act, Title VII of the Civil Rights Act of 1964, as amended, the Americans with Disabilities Act, as amended, the Family and Medical Leave Act, as amended, and similar state and local statutes, laws and ordinances;
- Claims under the Employee Retirement Income Security Act, the Occupational Safety and Health Act, the False Claims Act, and similar state and local statutes, laws and ordinances;
- Claims for wrongful discharge; and
- Claims for attorneys’ fees, including litigation expenses and/or costs.

The foregoing description of claims is intended to be illustrative and is not exhaustive.

The parties understand and agree that this Agreement does not constitute nor shall it be construed to constitute a waiver by Vandegrift of any rights under any employee benefit plans, including but not limited to, any pension plan, or any claims that may arise after this Agreement is executed.

2. **Nature of Payment.** In connection with this General Release, Releasors and Releasees contemplate and intend and agree that the above referenced payment to Releasors constitutes payment for damages to be disbursed as follows:

- a. \$650,000 in compensatory damages payable to Michele Vandegrift, which will not be subject to withholding for wage taxes or benefits; and
- b. \$500,000 in attorneys' fees payable to Console Mattiacci Law, LLC; and
- c. \$100,000 in back- and/or front-pay payable to Michele Vandegrift, which will be subject to withholding for wage taxes; and
- d. Both counsel and Vandegrift will each submit IRS Forms W-9, and Vandegrift will submit a W-2 Form, to the City along with the fully executed Release. Vandegrift will be responsible for any personal income taxes associated with the payments made pursuant to the agreement set forth in this Release. The City will issue Form 1099 tax reporting forms for the payments as described in subparagraphs 2(a) and 2(b) above. Vandegrift acknowledges that neither the City nor any of its representatives or counsel has made any representations as to the tax liability associated with payments made pursuant to the agreement set forth in this Release. The City of Philadelphia will deliver the above-referenced payments to Console Mattiacci Law, LLC no later than ninety (90) days from the date of receipt of the Agreement, signed by Vandegrift.

3. Satisfaction of Liens. By signing this release, Releasor(s) affirms that any pending lien arising from benefits paid by the Department of Human Services or any other entity on account of any injuries arising from the above accident or incident has been or will be duly satisfied.

4. No Admission of Liability. It is further understood that acceptance of this Release and payment of the consideration herein named is not to be construed in any court whatsoever, or otherwise, as an admission of liability on the part of the said City of Philadelphia, its agents, servants, workers or employees for the causing of the said accident or incident above referred to.

5. Non-Disclosure Agreement. Vandegrift agrees that she will not disclose the terms of this Release or the amount of the settlement, to anyone other than her counsel, tax preparer, financial advisor, husband, and parents. For purposes of this Release, prohibited disclosures include discussion, publication and disclosure by written or oral communication, or be electronic means, such as by e-mail or posting on any social media or other Internet-based site. If Vandegrift is asked by any other person or entity about her claims against the City, she may disclose only that she has resigned from employment and that her claims against the City have been resolved. The parties agree and acknowledge that this non-disclosure provision is a material term of this Release, the absence of which would have resulted in the City refusing to enter this Agreement.

6. Right to Know Disclosure. The parties to this Release acknowledge that the City is a public “local agency” under and subject to the Commonwealth of Pennsylvania’s Right to Know Act (the “Act”), 65 P.S. § 67.101 *et seq.* Notwithstanding anything to the contrary contained in this Release, nothing in this Release is intended to supersede, modify, or diminish in

any respect whatsoever any of the City's rights, obligations, and defenses under the Act, nor will the City be held liable for any disclosure of records, including information, that the City determines, in its sole discretion, is a public record subject to disclosure under the Act.

7. **Withdrawal of Charges filed with the EEOC and PHRC.** Upon execution of this agreement, Vandegrift will immediately notify the Equal Employment Opportunity Commission and the Pennsylvania Human Relations Commission that she has settled her claims against the City and will request that both the EEOC and PHRC close and dismiss the Charge filed in February 2017.

8. **Future Employment with the City of Philadelphia.** Vandegrift agrees that, once she resigns from her assignment with the Police Department, she will not seek employment with the following City departments: Police, Fire, Sheriff and Prisons.

9. **Neutral Employment Reference.** The City will release only neutral employment information to prospective employers and others who make official inquiries about Vandegrift's employment with the City: dates of employment and position held.

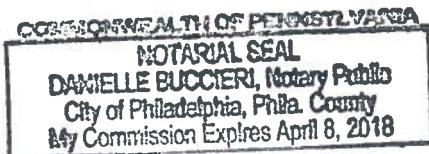
10. **Statement by Releasor.** Vandegrift represents that, other than this present lawsuit, and the Charges of Discrimination that she has filed with the EEOC, and cross-filed with the PHRC, she has not filed or caused to be filed any lawsuit, complaint, charge, claim, demand for arbitration, or other litigation in any court, administrative agency, commission or other forum relating directly or indirectly to my employment or separation from the City.

11. **Waiver of Additional Damages, Costs or Interest.** I, Michele Vandegrift, waive any claims for additional damages, costs or interest whatsoever, including but not limited to 28 U.S.C. § 1961, Federal Rule of Civil Procedure 54.

I have hereunto set my hand and seal this 13th day of March , two thousand and seventeen and do hereby declare that I voluntarily accept said sum for the purpose of making a full and final compromise, adjustment and settlement of the injuries and/or damages above-mentioned, known or unknown, foreseen or unforeseen, including, but not limited to, attorney's fees and costs.

Sworn to and subscribed before me
this 13th day of March 2017.

Danielle Buccieri
NOTARY PUBLIC



Michele Vandergrift

Michele Vandergrift

Employee [REDACTED]

SS#:

DOB:

Add:

City of Philadelphia

By: _____
Title: _____

In The Matter Of:
MICHELE VANDEGRIFT v.
THE CITY OF PHILADELPHIA

CAPTAIN CAROL ABRAMS
November 29, 2016

Terry Burke Reporting
Registered Professional Reporters
terryburkermr@gmail.com
(215) 205-9079

Min-U-Script® with Word Index

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1 A. The investigation, yes. 2 Q. Yeah, I'm just asking if you recall at 3 some point learning -- 4 A. No, I don't -- I don't think -- it was 5 no discussion. It was no, hey, I knew he wasn't 6 locked up. That's all I know. 7 Q. Okay. At any point did anyone discuss 8 with you that given that the finding was not 9 sustained there should be an investigation into 10 whether Holmes' conduct violated the EEO 11 policies of the department? 12 A. If there was something in that in 13 relation to that investigation or even a 14 violation, it would have been cited then even 15 though -- so even though that was a criminal 16 investigation, if there was any violation of our 17 policy, it would have still been cited in that. 18 Q. Okay. To make sure I understand, the 19 investigator investigating the sexual assault 20 allegations -- 21 A. Yes. 22 Q. -- if there was a finding not that 23 Holmes committed a crime, but that there was 24 some other violation including of the EEO	1 relevance of that question. 2 Q. I'm just asking if as a female member of 3 the police department -- 4 A. As a female member of the department, 5 because it's a female member of the department, 6 I wouldn't allow that to happen to me, so no, 7 that doesn't -- no. 8 Q. Do you think women are to blame if that 9 happens to them, that they let it happen to 10 themselves? 11 A. No. 12 Q. Have you ever experienced any 13 discrimination during your time in the police 14 department based on your sex? 15 A. No. 16 Q. Have you ever worked with police 17 officers -- and when I use "officers," I'm using 18 the broad term -- any males in the department 19 that you thought were sexist? 20 A. Yes. 21 Q. And how did you think that was 22 demonstrated? 23 A. From the fact of that you can't pick up 24 that person, you know, crazy stuff, you know.	
1 policy, that would have been included in that 2 investigator's report? 3 A. In that report. 4 Yes. 5 Q. Okay. 6 But it never came back to the EEO 7 unit to investigate? 8 A. No. 9 Q. Okay. 10 Are you aware in this case that two 11 women, including Detective Vandegrift, have 12 alleged that Holmes sexually assaulted them, 13 including on both occasions inserting his 14 fingers into both women's vaginas, have you 15 heard that? 16 A. No. 17 Q. Does that upset you, that two women have 18 testified under oath that Holmes engaged in 19 similar conduct with them? 20 A. I'm not sure where you're going with 21 that. I've seen kids dead in the street. That 22 upsets me. 23 Q. I'm just asking you -- 24 A. That's what I'm saying. I don't see the	Page 50	Page 52